

**From:** CN=Robin Kime/OU=DC/O=USEPA/C=US  
**Sent:** Wed 9/5/2012 4:29:54 PM  
**Subject:** Discussion Prior to the 9/6/12 (5:00 PM) Steam Electric Status Update- 3500 ARN  
[ELG and CCR for September62012final 0905122.docx](#)  
[Consideration of the CCR Rule on Option Selection Decisions9412final.docx](#)  
(embedded image)  
(embedded image)

----- Forwarded by Robin Kime/DC/USEPA/US on 09/05/2012 12:56 PM -----

**From:** Robert Wood/DC/USEPA/US  
**To:** Elizabeth Southerland/DC/USEPA/US@EPA, Ellen Gilinsky/DC/USEPA/US@EPA, Ken Kopocis/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, MaryEllen Levine/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Steven Neugeboren/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, MichaelE Scozzafava/DC/USEPA/US@EPA  
**Cc:** Mahri Monson/DC/USEPA/US@EPA, Donald Maddox/DC/USEPA/US@EPA, Sandra Carey/DC/USEPA/US@EPA, Crystal Penman/DC/USEPA/US@EPA, Jan Matuszko/DC/USEPA/US@EPA, Jessica Hall/DC/USEPA/US@EPA, Elizabeth Skane/DC/USEPA/US@EPA, Alex Barron/DC/USEPA/US@EPA, Lesley Schaafl/DC/USEPA/US@EPA, Ann Campbell/DC/USEPA/US@EPA  
**Date:** 09/05/2012 12:12 PM  
**Subject:** Materials for Steam Electric Effluent Guideline Check-in with Bob Sussman - Thursday 9/6, 5 pm

Hi Everyone,

Attached is a 1-page update for tomorrow's 5 pm check-in with Bob Sussman on the Steam Electric ELG proposal.

**Ex. 5 - Deliberative**

# Ex. 5 - Deliberative

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Robert Wood, Acting Director  
Engineering and Analysis Division  
Office of Water  
U.S. EPA  
1200 Pennsylvania Ave, NW (4303T)  
Washington, DC 20460

EPA West Room 6233B  
202-566-1822  
202-329-8053 (C)  
<http://www.epa.gov/waterscience>

**To:**

Goo.Michael@epamail.epa.gov; Stanislaus.Mathy@epamail.epa.gov; Barron.Alex@epamail.epa.gov; Garbow.Avi@epamail.epa.gov; Stoner.Nancy@epamail.epa.gov; "Ellen Gilinsky" [Gilinsky.Ellen@epamail.epa.gov]; Stanislaus.Mathy@epamail.epa.gov; Barron.Alex@epamail.epa.gov; Garbow.Avi@epamail.epa.gov; Stoner.Nancy@epamail.epa.gov; "Ellen Gilinsky" [Gilinsky.Ellen@epamail.epa.gov]; Barron.Alex@epamail.epa.gov; Garbow.Avi@epamail.epa.gov; Stoner.Nancy@epamail.epa.gov; "Ellen Gilinsky" [Gilinsky.Ellen@epamail.epa.gov]; Garbow.Avi@epamail.epa.gov; Stoner.Nancy@epamail.epa.gov; "Ellen Gilinsky" [Gilinsky.Ellen@epamail.epa.gov]; Stoner.Nancy@epamail.epa.gov; "Ellen Gilinsky" [Gilinsky.Ellen@epamail.epa.gov]; Ellen Gilinsky" [Gilinsky.Ellen@epamail.epa.gov]; Elizabeth Southerland" [Southerland.Elizabeth@epamail.epa.gov]; Soudzinski.Suzanne@epamail.epa.gov; Feldt.Lisa@epamail.epa.gov; "Ken Kopocis" [Kopocis.Ken@epamail.epa.gov]; eldt.Lisa@epamail.epa.gov; "Ken Kopocis" [Kopocis.Ken@epamail.epa.gov]; Ken Kopocis" [Kopocis.Ken@epamail.epa.gov]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Thur 1/17/2013 4:23:59 PM  
**Subject:** CCR/ELG Matrix

I am canceling tomorrow's meeting.

**Ex. 5 - Deliberative, ACP**

## **Ex. 5 - Deliberative, ACP**

**To:**

Goo.Michael@epamail.epa.gov; Stanislaus.Mathy@epamail.epa.gov; Barron.Alex@epamail.epa.gov; Garbow.Avi@epamail.epa.gov; Stoner.Nancy@epamail.epa.gov; "Ellen Gilinsky" [Gilinsky.Ellen@epamail.epa.gov]; Stanislaus.Mathy@epamail.epa.gov; Barron.Alex@epamail.epa.gov; Garbow.Avi@epamail.epa.gov; Stoner.Nancy@epamail.epa.gov; "Ellen Gilinsky" [Gilinsky.Ellen@epamail.epa.gov]; arron.Alex@epamail.epa.gov; Garbow.Avi@epamail.epa.gov; Stoner.Nancy@epamail.epa.gov; "Ellen Gilinsky" [Gilinsky.Ellen@epamail.epa.gov]; Garbow.Avi@epamail.epa.gov; Stoner.Nancy@epamail.epa.gov; "Ellen Gilinsky" [Gilinsky.Ellen@epamail.epa.gov]; Stoner.Nancy@epamail.epa.gov; "Ellen Gilinsky" [Gilinsky.Ellen@epamail.epa.gov]; Ellen Gilinsky" [Gilinsky.Ellen@epamail.epa.gov]; Elizabeth Southerland" [Southerland.Elizabeth@epamail.epa.gov]; Rudzinski.Suzanne@epamail.epa.gov; Feldt.Lisa@epamail.epa.gov; "Ken Kopocis" [Kopocis.Ken@epamail.epa.gov]; eldt.Lisa@epamail.epa.gov; "Ken Kopocis" [Kopocis.Ken@epamail.epa.gov]; Ken Kopocis" [Kopocis.Ken@epamail.epa.gov]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Thur 1/17/2013 4:28:38 PM  
**Subject:** Re: CCR/ELG Matrix

**Ex. 5 - Deliberative, ACP**

**From:** Bob Sussman

**To:** Michael Goo; Mathy Stanislaus; Alex Barron; Avi Garbow; Nancy Stoner; Ellen Gilinsky; Elizabeth Southerland; Suzanne Rudzinski; Lisa Feldt; Ken Kopocis

**Date:** 01/17/2013 11:23 AM EST

**Subject:** CCR/ELG Matrix

I am canceling tomorrow's meeting.

**Ex. 5 - Deliberative, ACP**

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**To:**

Goo.Michael@epamail.epa.gov; Stanislaus.Mathy@epamail.epa.gov; Barron.Alex@epamail.epa.gov; Garbow.Avi@epamail.epa.gov; Stoner.Nancy@epamail.epa.gov; "Ellen Gilinsky" [Gilinsky.Ellen@epamail.epa.gov]; Stanislaus.Mathy@epamail.epa.gov; Barron.Alex@epamail.epa.gov; Garbow.Avi@epamail.epa.gov; Stoner.Nancy@epamail.epa.gov; "Ellen Gilinsky" [Gilinsky.Ellen@epamail.epa.gov]; arron.Alex@epamail.epa.gov; Garbow.Avi@epamail.epa.gov; Stoner.Nancy@epamail.epa.gov; "Ellen Gilinsky" [Gilinsky.Ellen@epamail.epa.gov]; Garbow.Avi@epamail.epa.gov; Stoner.Nancy@epamail.epa.gov; "Ellen Gilinsky" [Gilinsky.Ellen@epamail.epa.gov]; Stoner.Nancy@epamail.epa.gov; "Ellen Gilinsky" [Gilinsky.Ellen@epamail.epa.gov]; Ellen Gilinsky" [Gilinsky.Ellen@epamail.epa.gov]; Elizabeth Southerland" [Southerland.Elizabeth@epamail.epa.gov]; Rudzinski.Suzanne@epamail.epa.gov; Feldt.Lisa@epamail.epa.gov; "Ken Kopocis" [Kopocis.Ken@epamail.epa.gov]; eldt.Lisa@epamail.epa.gov; "Ken Kopocis" [Kopocis.Ken@epamail.epa.gov]; Ken Kopocis" [Kopocis.Ken@epamail.epa.gov]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Thur 1/17/2013 4:31:04 PM  
**Subject:** Re: CCR/ELG Matrix

T

**From:** Bob Sussman  
**To:** Michael Goo; Mathy Stanislaus; Alex Barron; Avi Garbow; Nancy Stoner; Ellen Gilinsky; Elizabeth Southerland; Suzanne Rudzinski; Lisa Feldt; Ken Kopocis  
**Date:** 01/17/2013 11:28 AM EST  
**Subject:** Re: CCR/ELG Matrix

**Ex. 5 - Deliberative, ACP**

**From:** Bob Sussman  
**To:** Michael Goo; Mathy Stanislaus; Alex Barron; Avi Garbow; Nancy Stoner; Ellen Gilinsky; Elizabeth Southerland; Suzanne Rudzinski; Lisa Feldt; Ken Kopocis  
**Date:** 01/17/2013 11:23 AM EST  
**Subject:** CCR/ELG Matrix

I am canceling tomorrow's meeting

**Ex. 5 - Deliberative, ACP**

# Ex. 5 - Deliberative, ACP

# **Ex. 5 - Deliberative, ACP**

**To:** Alexander Cristofaro/DC/USEPA/US@EPA;Al  
McGartland/DC/USEPA/US@EPA;CN=Matt  
Massey/OU=DC/O=USEPA/C=US@EPA;CN=Patrick  
Walsh/OU=DC/O=USEPA/C=US@EPA;CN=William  
Nickerson/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Rees/OU=DC/O=USEPA/C=US@EPA[]; I  
McGartland/DC/USEPA/US@EPA;CN=Matt  
Massey/OU=DC/O=USEPA/C=US@EPA;CN=Patrick  
Walsh/OU=DC/O=USEPA/C=US@EPA;CN=William  
Nickerson/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Rees/OU=DC/O=USEPA/C=US@EPA[];  
N=Matt Massey/OU=DC/O=USEPA/C=US@EPA;CN=Patrick  
Walsh/OU=DC/O=USEPA/C=US@EPA;CN=William  
Nickerson/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Rees/OU=DC/O=USEPA/C=US@EPA[];  
N=Patrick Walsh/OU=DC/O=USEPA/C=US@EPA;CN=William  
Nickerson/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Rees/OU=DC/O=USEPA/C=US@EPA[];  
N=William Nickerson/OU=DC/O=USEPA/C=US@EPA;CN=Sarah  
Rees/OU=DC/O=USEPA/C=US@EPA[]; N=Sarah Rees/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Michael Goo/OU=DC/O=USEPA/C=US@EPA;CN=Alex  
Barron/OU=DC/O=USEPA/C=US@EPA[]; N=Alex Barron/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Robin Kime/OU=DC/O=USEPA/C=US  
**Sent:** Thur 1/17/2013 4:47:07 PM  
**Subject:** CCR/ELG Matrix

## Ex. 5 - Deliberative

----- Forwarded by Robin Kime/DC/USEPA/US on 01/17/2013 11:45 AM -----

**From:** Bob Sussman/DC/USEPA/US  
**To:** Goo.Michael@epamail.epa.gov, Stanislaus.Mathy@epamail.epa.gov,  
Barron.Alex@epamail.epa.gov, Garbow.Avi@epamail.epa.gov, Stoner.Nancy@epamail.epa.gov, "Ellen  
Gilinsky" <Gilinsky.Ellen@epamail.epa.gov>, "Elizabeth Southerland"  
<Southerland.Elizabeth@epamail.epa.gov>, Rudzinski.Suzanne@epamail.epa.gov,  
Feldt.Lisa@epamail.epa.gov, "Ken Kopocis" <Kopocis.Ken@epamail.epa.gov>  
**Date:** 01/17/2013 11:24 AM  
**Subject:** CCR/ELG Matrix

I am canceling tomorrow's meeting.

Ex. 5 - Deliberative, ACP

## Ex. 5 - Deliberative, ACP

Ex. 5 - Deliberative, ACP

**To:** CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** Barron.Alex@epamail.epa.gov; Feldt.Lisa@epamail.epa.gov; Garbow.Avi@epamail.epa.gov; "Ellen Gilinsky" [Gilinsky.Ellen@epamail.epa.gov]; eldt.Lisa@epamail.epa.gov; Garbow.Avi@epamail.epa.gov; "Ellen Gilinsky" [Gilinsky.Ellen@epamail.epa.gov]; arbow.Avi@epamail.epa.gov; "Ellen Gilinsky" [Gilinsky.Ellen@epamail.epa.gov]; Ellen Gilinsky" [Gilinsky.Ellen@epamail.epa.gov]; oo.Michael@epamail.epa.gov; "Ken Kopocis" [Kopocis.Ken@epamail.epa.gov]; Ken Kopocis" [Kopocis.Ken@epamail.epa.gov]; udzinski.Suzanne@epamail.epa.gov; "Elizabeth Southerland" [Southerland.Elizabeth@epamail.epa.gov]; Elizabeth Southerland" [Southerland.Elizabeth@epamail.epa.gov]; tanislaus.Mathy@epamail.epa.gov[]  
**From:** CN=Nancy Stoner/OU=DC/O=USEPA/C=US  
**Sent:** Thur 1/17/2013 7:53:16 PM  
**Subject:** Re: CCR/ELG Matrix -- Privileged communication re settlement negotiations

Bob,

## Ex. 5 - Deliberative, ACP

Nancy Stoner  
Acting Assistant Administrator for Water  
US Environmental Protection Agency

Telephone: (202) 564-5700  
FAX: (202) 564-0488

Mailing Address: 1200 Pennsylvania Avenue, NW, Mail Code 4101M, Washington, DC 20460-0001

Physical/FedEx/Courier Address: 1201 Constitution Ave., NW, Rm. 3219B East Bldg., Washington, DC 20004-3302  
Washington, DC 20004-3302

**From:** Bob Sussman/DC/USEPA/US  
**To:** Goo.Michael@epamail.epa.gov, Stanislaus.Mathy@epamail.epa.gov, Barron.Alex@epamail.epa.gov, Garbow.Avi@epamail.epa.gov, Stoner.Nancy@epamail.epa.gov, "Ellen Gilinsky" <Gilinsky.Ellen@epamail.epa.gov>, "Elizabeth Southerland" <Southerland.Elizabeth@epamail.epa.gov>, Rudzinski.Suzanne@epamail.epa.gov, Feldt.Lisa@epamail.epa.gov, "Ken Kopocis" <Kopocis.Ken@epamail.epa.gov>  
**Date:** 01/17/2013 11:24 AM  
**Subject:** CCR/ELG Matrix

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Ex. 5 - Deliberative, ACP

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# **Ex. 5 - Deliberative, ACP**

**To:** CN=Avi Garbow/OU=DC/O=USEPA/C=US@EPA;CN=Nancy Stoner/OU=DC/O=USEPA/C=US@EPA[]; N=Nancy Stoner/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Alex Barron/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Feldt/OU=DC/O=USEPA/C=US@EPA;CN=Ellen Gilinsky/OU=DC/O=USEPA/C=US@EPA;CN=Michael Goo/OU=DC/O=USEPA/C=US@EPA;CN=Ken Kopocis/OU=DC/O=USEPA/C=US@EPA;CN=Suzanne Rudzinski/OU=DC/O=USEPA/C=US@EPA;CN=Elizabeth Southerland/OU=DC/O=USEPA/C=US@EPA;CN=Mathy Stanislaus/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Feldt/OU=DC/O=USEPA/C=US@EPA;CN=Ellen Gilinsky/OU=DC/O=USEPA/C=US@EPA;CN=Michael Goo/OU=DC/O=USEPA/C=US@EPA;CN=Ken Kopocis/OU=DC/O=USEPA/C=US@EPA;CN=Suzanne Rudzinski/OU=DC/O=USEPA/C=US@EPA;CN=Elizabeth Southerland/OU=DC/O=USEPA/C=US@EPA;CN=Mathy Stanislaus/OU=DC/O=USEPA/C=US@EPA[]; N=Ellen Gilinsky/OU=DC/O=USEPA/C=US@EPA;CN=Michael Goo/OU=DC/O=USEPA/C=US@EPA;CN=Ken Kopocis/OU=DC/O=USEPA/C=US@EPA;CN=Suzanne Rudzinski/OU=DC/O=USEPA/C=US@EPA;CN=Elizabeth Southerland/OU=DC/O=USEPA/C=US@EPA;CN=Mathy Stanislaus/OU=DC/O=USEPA/C=US@EPA[]; N=Michael Goo/OU=DC/O=USEPA/C=US@EPA;CN=Ken Kopocis/OU=DC/O=USEPA/C=US@EPA;CN=Suzanne Rudzinski/OU=DC/O=USEPA/C=US@EPA;CN=Elizabeth Southerland/OU=DC/O=USEPA/C=US@EPA;CN=Mathy Stanislaus/OU=DC/O=USEPA/C=US@EPA[]; N=Ken Kopocis/OU=DC/O=USEPA/C=US@EPA;CN=Suzanne Rudzinski/OU=DC/O=USEPA/C=US@EPA;CN=Elizabeth Southerland/OU=DC/O=USEPA/C=US@EPA;CN=Mathy Stanislaus/OU=DC/O=USEPA/C=US@EPA[]; N=Suzanne Rudzinski/OU=DC/O=USEPA/C=US@EPA;CN=Elizabeth Southerland/OU=DC/O=USEPA/C=US@EPA;CN=Mathy Stanislaus/OU=DC/O=USEPA/C=US@EPA[]; N=Elizabeth Southerland/OU=DC/O=USEPA/C=US@EPA;CN=Mathy Stanislaus/OU=DC/O=USEPA/C=US@EPA[]; N=Mathy Stanislaus/OU=DC/O=USEPA/C=US@EPA[]  
**From:** CN=Bob Sussman/OU=DC/O=USEPA/C=US  
**Sent:** Thur 1/17/2013 8:20:35 PM  
**Subject:** Re: CCR/ELG Matrix -- Privileged communication re settlement. negotiations

## Ex. 5 - Deliberative, ACP

**From:** Avi Garbow  
**To:** Nancy Stoner  
**Cc:** Bob Sussman; Alex Barron; Lisa Feldt; Ellen Gilinsky; Michael Goo; Ken Kopocis; Suzanne Rudzinski; Elizabeth Southerland; Mathy Stanislaus  
**Date:** 01/17/2013 03:12 PM EST  
**Subject:** Re: CCR/ELG Matrix -- Privileged communication re settlement negotiations

# Ex. 5 - Deliberative, ACP

Avi Garbow  
Deputy General Counsel  
U.S. Environmental Protection Agency  
(202) 564-1917

From: Nancy Stoner/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA  
Cc: Barron.Alex@epamail.epa.gov, Feldt.Lisa@epamail.epa.gov, Garbow.Avi@epamail.epa.gov, "Ellen Gilinsky" <Gilinsky.Ellen@epamail.epa.gov>, Goo.Michael@epamail.epa.gov, "Ken Kopocis" <Kopocis.Ken@epamail.epa.gov>, Rudzinski.Suzanne@epamail.epa.gov, "Elizabeth Southerland" <Southerland.Elizabeth@epamail.epa.gov>, Stanislaus.Mathy@epamail.epa.gov  
Date: 01/17/2013 02:53 PM  
Subject: Re: CCR/ELG Matrix -- Privileged communication re settlement negotiations

Bob,

# Ex. 5 - Deliberative, ACP

Nancy Stoner  
Acting Assistant Administrator for Water  
US Environmental Protection Agency

Telephone: (202) 564-5700  
FAX: (202) 564-0488

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Washington, DC 20004-3302

From: Bob Sussman/DC/USEPA/US  
To: Goo.Michael@epamail.epa.gov, Stanislaus.Mathy@epamail.epa.gov, Barron.Alex@epamail.epa.gov, Garbow.Avi@epamail.epa.gov, Stoner.Nancy@epamail.epa.gov, "Ellen Gilinsky" <Gilinsky.Ellen@epamail.epa.gov>, "Elizabeth Southerland" <Southerland.Elizabeth@epamail.epa.gov>, Rudzinski.Suzanne@epamail.epa.gov, Feldt.Lisa@epamail.epa.gov, "Ken Kopocis" <Kopocis.Ken@epamail.epa.gov>  
Date: 01/17/2013 11:24 AM  
Subject: CCR/ELG Matrix

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**To:** CN=Alexander Cristofaro/OU=DC/O=USEPA/C=US@EPA;CN=Al  
McGartland/OU=DC/O=USEPA/C=US@EPA;CN=Matt  
Massey/OU=DC/O=USEPA/C=US@EPA;CN=Patrick  
Walsh/OU=DC/O=USEPA/C=US@EPA;CN=William  
Nickerson/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Rees/OU=DC/O=USEPA/C=US@EPA[];  
N=Al McGartland/OU=DC/O=USEPA/C=US@EPA;CN=Matt  
Massey/OU=DC/O=USEPA/C=US@EPA;CN=Patrick  
Walsh/OU=DC/O=USEPA/C=US@EPA;CN=William  
Nickerson/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Rees/OU=DC/O=USEPA/C=US@EPA[];  
N=Matt Massey/OU=DC/O=USEPA/C=US@EPA;CN=Patrick  
Walsh/OU=DC/O=USEPA/C=US@EPA;CN=William  
Nickerson/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Rees/OU=DC/O=USEPA/C=US@EPA[];  
N=Patrick Walsh/OU=DC/O=USEPA/C=US@EPA;CN=William  
Nickerson/OU=DC/O=USEPA/C=US@EPA;CN=Sarah Rees/OU=DC/O=USEPA/C=US@EPA[];  
N=William Nickerson/OU=DC/O=USEPA/C=US@EPA;CN=Sarah  
Rees/OU=DC/O=USEPA/C=US@EPA[]; N=Sarah Rees/OU=DC/O=USEPA/C=US@EPA[]  
**Cc:** CN=Michael Goo/OU=DC/O=USEPA/C=US@EPA;CN=Alex  
Barron/OU=DC/O=USEPA/C=US@EPA[]; N=Alex Barron/OU=DC/O=USEPA/C=US@EPA[]  
**Bcc:** []  
**From:** CN=Robin Kime/OU=DC/O=USEPA/C=US  
**Sent:** Thur 1/17/2013 4:47:07 PM  
**Subject:** CCR/ELG Matrix

## Ex. 5 - Deliberative, ACP

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**To:** Goo.Michael@epamail.epa.gov, Stanislaus.Mathy@epamail.epa.gov,  
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Gilinsky" <Gilinsky.Ellen@epamail.epa.gov>, "Elizabeth Southerland"  
<Southerland.Elizabeth@epamail.epa.gov>, Rudzinski.Suzanne@epamail.epa.gov,  
Feldt.Lisa@epamail.epa.gov, "Ken Kopocis" <Kopocis.Ken@epamail.epa.gov>  
**Date:** 01/17/2013 11:24 AM  
**Subject:** CCR/ELG Matrix

I am canceling tomorrow's meeting

Ex. 5 - Deliberative, ACP

## Ex. 5 - Deliberative, ACP

## **Ex. 5 - Deliberative, ACP**

**From:** Porterfield, Teri  
**Location:** 3412 ARN - Call In # Ex. 6 - Personal Privacy  
**Importance:** Normal  
**Subject:** ELG and CCR Discussion  
**Start Date/Time:** Mon 1/28/2013 1:00:00 PM  
**End Date/Time:** Mon 1/28/2013 1:45:00 PM  
[Timing of Final CCR.docx](#)

POC: Donald Maddox

Bob -- we'll be discussing this with you at 8:00 am on Monday. If you have a chance, you may want to peruse it over the weekend.

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

**To:** Barron, Alex[Barron.Alex@epa.gov]  
**Cc:** Goo, Michael[Goo.Michael@epa.gov]  
**From:** Goffman, Joseph  
**Sent:** Wed 1/23/2013 11:41:17 PM  
**Subject:** Re: Transport sector text for slides  
GHG policy presentation Jan 23 2013 6 pm.pptx

Thanks. Here is the current state of play on the overall ppt. Gina has just started to look at this herself, so this is likely to change. I only just got the latest version of the NSPS slide deck and have to review it, as do a couple of other folks.

Thanks, again.

Joseph Goffman  
Senior Counsel to the Assistant Administrator  
Office of Air and Radiation  
US Environmental Protection Agency  
202 564 3201

From: Alex Barron/DC/USEPA/US  
To: "Joseph Goffman" <Goffman.Joseph@epamail.epa.gov>  
Cc: "Michael Goo" <goo.michael@epa.gov>  
Date: 01/23/2013 06:27 PM  
Subject: Transport sector text for slides

Joe - here are nominees for addition to the transportation sector slide, to reflect smart growth work:

## Ex. 5 - Deliberative

Thanks,  
Alex



**To:** Goffman, Joseph[Goffman.Joseph@epa.gov]  
**Cc:** Bob Perciasepe[Perciasepe.Bob@epa.gov]; Ganesan, Arvin[Ganesan.Arvin@epa.gov]; Garbow, Avi[Garbow.Avi@epa.gov]; McCarthy, Regina[McCarthy.Gina@epa.gov]; James O'Hara[OHara.James@epa.gov]; McCabe, Janet[McCabe.Janet@epa.gov]; Beauvais, Joel[Beauvais.Joel@epa.gov]; Goo, Michael[Goo.Michael@epa.gov]  
**From:** Goffman, Joseph  
**Sent:** Thur 1/24/2013 6:27:07 PM  
**Subject:** Re: for 6:15 meeting PLEASE USE THIS VERSION OF THE SUPPORT DOC  
[GHG policy presentation Jan 24 2013 power plants.pptx](#)  
[GHG policy Support Doc On Power Sector Potential 1 24 13 DRAFT OAP clean.docx](#)  
[GHG policy Support Doc On Power Sector Potential 1 24 13 FINAL.docx](#)

Joseph Goffman  
Senior Counsel to the Assistant Administrator  
Office of Air and Radiation  
US Environmental Protection Agency  
202 564 3201

**From:** Joseph Goffman/DC/USEPA/US  
**To:** Joseph Goffman/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA  
**Cc:** Arvin Ganesan/DC/USEPA/US@EPA, Avi Garbow/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, James O'Hara/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Joel Beauvais/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA  
**Date:** 01/24/2013 11:33 AM  
**Subject:** Re: for 6:15 meeting

+ Bob P.

Joseph Goffman  
Senior Counsel to the Assistant Administrator  
Office of Air and Radiation  
US Environmental Protection Agency  
202 564 3201

**From:** Joseph Goffman/DC/USEPA/US  
**To:** Arvin Ganesan/DC/USEPA/US@EPA, Avi Garbow/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, James O'Hara/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Joel Beauvais/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA  
**Date:** 01/24/2013 11:29 AM  
**Subject:** for 6:15 meeting

Joseph Goffman  
Senior Counsel to the Assistant Administrator  
Office of Air and Radiation  
US Environmental Protection Agency  
202 564 3201

**To:** Monger, Jon[Monger.Jon@epa.gov]  
**Bcc:** Goo, Michael[Goo.Michael@epa.gov]  
**From:** Monger, Jon  
**Sent:** Thur 1/24/2013 6:19:02 PM  
**Subject:** EPA Weekly Cabinet Report  
Weekly Cabinet Report 1.28.2013 final.doc

Attached please find EPA's cabinet report for next week. Thanks!

--Jon

Jon Monger  
White House Liaison  
Environmental Protection Agency

Monger.Jon@epa.gov  
202-564-0628 office  
202-329-1147 blackberry

**To:** Goffman, Joseph[Goffman.Joseph@epa.gov]; Bob Perciasepe[Perciasepe.Bob@epa.gov]  
**Cc:** Ganesan, Arvin[Ganesan.Arvin@epa.gov]; Garbow, Avi[Garbow.Avi@epa.gov]; McCarthy, Regina[McCarthy.Gina@epa.gov]; James O'Hara[OHara.James@epa.gov]; McCabe, Janet[McCabe.Janet@epa.gov]; Beauvais, Joel[Beauvais.Joel@epa.gov]; Goo, Michael[Goo.Michael@epa.gov]  
**From:** Goffman, Joseph  
**Sent:** Thur 1/24/2013 4:33:36 PM  
**Subject:** Re: for 6:15 meeting  
[GHG policy presentation Jan 24 2013 power plants.pptx](#)  
[GHG policy Support Doc On Power Sector Potential 1 24 13 DRAFT OAP clean.docx](#)

+ Bob P.

Joseph Goffman  
Senior Counsel to the Assistant Administrator  
Office of Air and Radiation  
US Environmental Protection Agency  
202 564 3201

From: Joseph Goffman/DC/USEPA/US  
To: Arvin Ganesan/DC/USEPA/US@EPA, Avi Garbow/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, James O'Hara/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Joel Beauvais/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA  
Date: 01/24/2013 11:29 AM  
Subject: for 6:15 meeting

Joseph Goffman  
Senior Counsel to the Assistant Administrator  
Office of Air and Radiation  
US Environmental Protection Agency  
202 564 3201

**To:** Ganesan, Arvin[Ganesan.Arvin@epa.gov]; Garbow, Avi[Garbow.Avi@epa.gov];  
McCarthy, Regina[McCarthy.Gina@epa.gov]; James O'Hara[OHara.James@epa.gov]; McCabe,  
Janet[McCabe.Janet@epa.gov]; Beauvais, Joel[Beauvais.Joel@epa.gov]; Goffman,  
Joseph[Goffman.Joseph@epa.gov]; Goo, Michael[Goo.Michael@epa.gov]  
**From:** Goffman, Joseph  
**Sent:** Thur 1/24/2013 4:29:34 PM  
**Subject:** for 6:15 meeting  
GHG policy presentation Jan 24 2013 power plants.pptx  
GHG policy Support Doc On Power Sector Potential 1 24 13 DRAFT OAP clean.docx

Joseph Goffman  
Senior Counsel to the Assistant Administrator  
Office of Air and Radiation  
US Environmental Protection Agency  
202 564 3201

**To:** Jon Monger[jon.monger@epa.gov]  
**Bcc:** Goo, Michael[Goo.Michael@epa.gov]  
**From:** Monger, Jon  
**Sent:** Sat 1/26/2013 2:14:13 AM  
**Subject:** EPA Policy Calendar  
Draft Policy Calendar 1.25.2013 v4.xls

Attached please find the draft EPA policy calendar for this week. Thanks!

Jon Monger  
White House Liaison  
Environmental Protection Agency

Monger.Jon@epa.gov  
202-564-0628 office  
202-329-1147 blackberry

**To:** Bob Perciasepe[Perciasepe.Bob@epa.gov]  
**Cc:** Goo, Michael[Goo.Michael@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Garbow, Avi[Garbow.Avi@epa.gov]; Porterfield, Teri[Porterfield.Teri@epa.gov]  
**From:** Sussman, Bob  
**Sent:** Sat 1/26/2013 12:04:43 AM  
**Subject:** CCR/ELG Aligment  
Timing of Final CCR.docx

Bob -- we'll be discussing this with you at 8:00 am on Monday. If you have a chance, you may want to peruse it over the weekend.

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

**To:** Elman, Barry[Elman.Barry@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov];  
Nickerson, William[Nickerson.William@epa.gov]; Evans, DavidA[Evans.DavidA@epa.gov];  
Marten, Alex[Marten.Alex@epa.gov]  
**Cc:** Kenny, Shannon[Kenny.Shannon@epa.gov]; Goo, Michael[Goo.Michael@epa.gov]  
**From:** Barron, Alex  
**Sent:** Tue 1/29/2013 11:26:50 PM  
[Timeline DRAFT 1 29 13.docx](#)  
[Key Policy Decisions 1 28 13.docx](#)

A few draft documents as we try to scope out a workplan for OP. Dave - I haven't gotten to your emails yet.

A



**To:** McCarthy, Regina[McCarthy.Gina@epa.gov]; Hooks, Craig[Hooks.Craig@epa.gov]; Bennett, Barbara[Bennett.Barbara@epa.gov]; Frank, Joyce[Frank.Joyce@epa.gov]; Cynthia Giles-AA[GilesAA.Cynthia@epa.gov]; Jackson, Malcolm[jackson.malcolm@epa.gov]; Mallory, Brenda[Mallory.Brenda@epa.gov]; DePass, Michelle[DePass.Michelle@epa.gov]; Elkins, Arthur[Elkins.Arthur@epa.gov]; Jones, Jim[Jones.Jim@epa.gov]; Kadeli, Lek[Kadeli.Lek@epa.gov]; Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]; Spalding, Curt[Spalding.Curt@epa.gov]; Enck, Judith[Enck.Judith@epa.gov]; Garvin, Shawn[garvin.shawn@epa.gov]; KeyesFleming, Gwen[KeyesFleming.Gwendolyn@epa.gov]; Hedman, Susan[hedman.susan@epa.gov]; Curry, Ron[Curry.Ron@epa.gov]; Brooks, Karl[brooks.karl@epa.gov]; Martin, Jim[Martin.Jim@epa.gov]; BLUMENFELD, JARED[BLUMENFELD.JARED@EPA.GOV]; McLerran, Dennis[mclerran.dennis@epa.gov]  
**Cc:** Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Schaaff, Lesley[Schaaff.Lesley@epa.gov]; Munis, Ken[Munis.Ken@epa.gov]; Pritchard, Eileen[Pritchard.Eileen@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; DAA[DAA@epa.gov]; DRA[DRA@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]  
**From:** Kime, Robin  
**Sent:** Wed 1/30/2013 7:16:49 PM  
**Subject:** Draft February-March 60-day List for Your Review and Comment  
[draft 60 Day List February-March 2013.docx](#)

OP has prepared a draft 60-Day List report for February-March 2013. This document contains brief descriptions and timelines of EPA actions upcoming between now and the end of March. It also contains descriptions and timelines for some priority policy actions regardless of the projected date of their next milestone. Major active IRIS assessments and high-profile NEPA reviews are also included regardless of next milestone date. The report is generated using the Scout database and is intended to be used by you and your immediate office staff.

As before, I'd appreciate your help in finalizing the attached report. In particular, I would like to make sure that:

- (1) all relevant actions/milestones for your office are listed;
- (2) the associated dates are as up-to-date as possible; and
- (3) the associated descriptions are adequate and accurate.

If milestone dates need to be revised, those changes should be made directly in Scout (or in ADP Tracker for tiered actions) by your staff. Suggested changes to the 60-Day List titles and descriptions can be made in Scout by your staff using instruction previously provided them, or can be e-mailed to Lesley Schaaff and Bruce Schillo.

Please make any changes in Scout or provide us with any additional information by COB, Tuesday, February 5.

If you or your staff have Scout related questions, please contact Bruce Schillo at 564-6552. If you have any other questions, please let me or Bruce Schillo know.

Thanks very much  
- Michael

**To:** Jon Monger[jon.monger@epa.gov]  
**Bcc:** Goo, Michael[Goo.Michael@epa.gov]  
**From:** Monger, Jon  
**Sent:** Thur 1/31/2013 6:56:16 PM  
**Subject:** Cabinet report for the week of February 4  
EPA Cabinet Report 2.4.2013 final.doc

Attached please find the cabinet report for the week of February 4. Thanks!

Jon Monger  
White House Liaison  
Environmental Protection Agency

Monger.Jon@epa.gov  
202-564-0628 office  
202-329-1147 blackberry

**To:** Johnson, Alisha[Johnson.Alisha@epa.gov]; Campbell, Ann[Campbell.Ann@epa.gov]; Ganesan, Arvin[Ganesan.Arvin@epa.gov]; Nitsch, Chad[Nitsch.Chad@epa.gov]; CN=Christopher Busch/OU=DC/O=USEPA/C=US@EPA[CN=Christopher Busch/OU=DC/O=USEPA/C=US@EPA]; Dickenson, Denise[DICKENSON.DENISE@EPA.GOV]; Thompson, Diane[Thompson.Diane@epa.gov]; Woodka, Janet[Woodka.Janet@epa.gov]; Monger, Jon[Monger.Jon@epa.gov]; Martin, KarenL[Martin.KarenL@epa.gov]; Smith, Kelley[Smith.Kelley@epa.gov]; Vaught, Laura[Vaught.Laura@epa.gov]; Chappell, Linda[Chappell.Linda@epa.gov]; Hanley, Mary[Hanley.Mary@epa.gov]; Geller, Michael[Geller.Michael@epa.gov]; Goo, Michael[Goo.Michael@epa.gov]; Scozzafava, MichaelE[Scozzafava.MichaelE@epa.gov]; Shaw, Nena[Shaw.Nena@epa.gov]; Gaber, Noha[Gaber.Noha@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Willis, Sharnett[Willis.Sharnett@epa.gov]; Rivas-Vazquez, Victoria[Rivas-Vazquez.Victoria@epa.gov]  
**From:** Smith, Kelley  
**Sent:** Fri 2/1/2013 11:59:33 PM  
**Subject:** EPA Policy Calendar  
Draft Policy Calendar 2.1.2013 v2.xls

Attached please find the draft EPA policy calendar for this week.

Best,

KS

Kelley Smith  
Deputy White House Liaison  
Environmental Protection Agency  
202.308.6587 BB  
202.564.2308 Office  
smith.kelley@epa.gov

**To:** Goo, Michael[Goo.Michael@epa.gov]; Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]; Feldt, Elisabeth[Feldt.Lisa@epa.gov]; Garbow, Avi[Garbow.Avi@epa.gov]; Sussman, Bob[Sussman.Bob@epa.gov]; Gilinsky, Ellen[Gilinsky.Ellen@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]  
**From:** Barron, Alex  
**Sent:** Mon 2/4/2013 11:26:43 PM  
**Subject:** ELG and CCR matrix  
ELG and CCR v3 2 4 2013.pptx

As requested, here is a draft framework for discussion on Tuesday. If anyone spots any inaccuracies in here, please let us know.

Alex Barron, Ph.D.  
Senior Advisor  
Office of Policy  
U.S. Environmental Protection Agency  
202-564-3304

**To:** Schaaff, Lesley[Schaaff.Lesley@epa.gov]  
**Cc:** Barron, Alex[Barron.Alex@epa.gov]; Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]  
**From:** Kime, Robin  
**Sent:** Wed 2/6/2013 9:02:38 PM  
**Subject:** Re: Updated blue notes -- use these files  
OMB Blue Notes for 2-7-2013rev.docx  
OMB Review - Tracking and Planning thru 2-23-2013.docx

Thanks

**From:** Lesley Schaaff/DC/USEPA/US  
**To:** Bruce Schillo/DC/USEPA/US@EPA, Alex Barron/DC/USEPA/US@EPA, Robin Kime/DC/USEPA/US@EPA, Alexander Cristofaro/DC/USEPA/US@EPA, Paul Balserak/DC/USEPA/US@EPA, Shannon Kenny/DC/USEPA/US@EPA  
**Date:** 02/06/2013 03:29 PM  
**Subject:** Updated blue notes -- use these files

**RE: just had weekly reg -- need 2 things**

Bruce Schillo to Lesley Schaaff  
:

Lesley Schaaff  
Director, Policy & Regulatory Analysis Division  
Office of Policy/Office of the Administrator  
U.S. Environmental Protection Agency  
Phone: 202-564-6567  
schaaff.lesley@epa.gov

**To:** Barron, Alex[Barron.Alex@epa.gov]  
**Cc:** Goo, Michael[Goo.Michael@epa.gov]  
**From:** Sussman, Bob  
**Sent:** Wed 2/6/2013 10:44:46 PM  
**Subject:** Re: ELG and CCR matrix  
ELG and CCR 2 6 2013.pptx

thanks Alex. Will have thoughts for you in the am.

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

From: Alex Barron/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA  
Cc: Michael Goo/DC/USEPA/US@EPA  
Date: 02/06/2013 02:48 PM  
Subject: ELG and CCR matrix

Bob - here's a rough frame per our conversation. I don't have anything from OW or OSWER yet.

I recommend that we move slide 4 to the appendix as we now agree on how the authorities should be apportioned (slide 3).

Alex

**To:** Sussman, Bob[Sussman.Bob@epa.gov]  
**Cc:** Goo, Michael[Goo.Michael@epa.gov]  
**From:** Barron, Alex  
**Sent:** Wed 2/6/2013 7:48:56 PM  
**Subject:** ELG and CCR matrix  
[ELG and CCR 2 6 2013.pptx](#)

Bob - here's a rough frame per our conversation. I don't have anything from OW or OSWER yet.

I recommend that we move slide 4 to the appendix as we now agree on how the authorities should be apportioned (slide 3).

Alex

**To:** Goo, Michael[Goo.Michael@epa.gov]  
**Cc:** alexbarron14@gmail.com[alexbarron14@gmail.com]; Nickerson, William[Nickerson.William@epa.gov]; Rees, Sarah[Rees.Sarah@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Walsh, Patrick[Walsh.Patrick@epa.gov]; Jenkins, Robin[Jenkins.Robin@epa.gov]; Massey, Matt[Massey.Matt@epa.gov]; McGartland, Al[McGartland.Al@epa.gov]; Schaaff, Lesley[Schaaff.Lesley@epa.gov]  
**From:** Barron, Alex  
**Sent:** Fri 2/8/2013 11:07:53 PM  
**Subject:** ELG and CCR 2 8 2013 v2.pptx  
[ELG and CCR 2 8 2013 v2.pptx](#)

Just a few tweaks following the meeting. OSWER slides will come over the weekend. My current understanding is that the 9:30 meeting on Monday is open to staff - I'll see if I can get a call in as not everyone will fit in Bob's office.

Alex



**To:** Jon Monger[jon.monger@epa.gov]  
**Bcc:** Goo, Michael[Goo.Michael@epa.gov]  
**From:** Monger, Jon  
**Sent:** Fri 2/8/2013 10:49:57 PM  
**Subject:** EPA Draft Policy Calendar  
Draft Policy Calendar 2.8.2013 v4.xls

Attached please find the policy calendar for this week. Thanks!

Jon Monger  
White House Liaison  
Environmental Protection Agency

Monger.Jon@epa.gov  
202-564-0628 office  
202-329-1147 blackberry

**To:** Barron, Alex[Barron.Alex@epa.gov]; Garbow, Avi[Garbow.Avi@epa.gov]; Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]; Gilinsky, Ellen[Gilinsky.Ellen@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]; Feldt, Elisabeth[Feldt.Lisa@epa.gov]; Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]; Goo, Michael[Goo.Michael@epa.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Rudzinski, Suzanne[rudzinski.suzanne@epa.gov]  
**From:** Maddox, Donald  
**Sent:** Fri 2/8/2013 10:11:58 PM  
**Subject:** Fw: ELG and CCR draft deck for 5pm  
ELG and CCR 2 7 2013.pptx

Materials for the currently in progress meeting.

Don Maddox  
Office of the Deputy Administrator &  
Office of the Senior Policy Counsel  
U.S. Environmental Protection Agency  
email: maddox.donald@epa.gov  
Office: 202.564.8443  
Direct: 202.564.7207

----- Forwarded by Donald Maddox/DC/USEPA/US on 02/08/2013 05:10 PM -----

From: Robin Kime/DC/USEPA/US  
To: MichaelE Scozzafava/DC/USEPA/US@EPA, Donald Maddox/DC/USEPA/US@EPA  
Date: 02/08/2013 10:19 AM  
Subject: ELG and CCR draft deck for 5pm

Hi

Here's the working draft of the deck with OP and OW's pieces. OSWER is still editing their slides.

**To:** Kime, Robin[Kime.Robin@epa.gov]  
**Cc:** Goo, Michael[Goo.Michael@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Rees, Sarah[Rees.Sarah@epa.gov]; Walsh, Patrick[Walsh.Patrick@epa.gov]; Jenkins, Robin[Jenkins.Robin@epa.gov]; Massey, Matt[Massey.Matt@epa.gov]  
**From:** Barron, Alex  
**Sent:** Fri 2/8/2013 3:07:55 PM  
**Subject:** ELG and CCR draft deck for 5pm  
[ELG and CCR 2 7 2013.pptx](#)

Robin - Here's the working draft of the deck with OP and OW's pieces. OSWER is still editing their slides.

Alex

**To:** Bob Perciasepe[Perciasepe.Bob@epa.gov]; Goo, Michael[Goo.Michael@epa.gov]; Garbow, Avi[Garbow.Avi@epa.gov]; Sussman, Bob[Sussman.Bob@epa.gov]; Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]  
**Cc:** Kime, Robin[Kime.Robin@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Rees, Sarah[Rees.Sarah@epa.gov]; Rudzinsk, Suzanne[rudzinski.suzanne@epa.gov]; Wood, Robert[Wood.Robert@epa.gov]; Gilinsky, Ellen[Gilinsky.Ellen@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]  
**From:** Barron, Alex  
**Sent:** Mon 2/11/2013 3:45:57 AM  
**Subject:** Slide deck for CCR ELG 9:30  
[ELG and CCR 2 10 2013.pptx](#)

Here's the slide deck to guide discussion tomorrow morning, now with OSWER's slides inserted.  
Alex

**To:** McCarthy, Regina[McCarthy.Gina@epa.gov]; Hooks, Craig[Hooks.Craig@epa.gov]; Bennett, Barbara[Bennett.Barbara@epa.gov]; Frank, Joyce[Frank.Joyce@epa.gov]; Jones, Jim[Jones.Jim@epa.gov]; Giles-AA, Cynthia[Giles-AA.Cynthia@epa.gov]; Jackson, Malcolm[jackson.malcolm@epa.gov]; Mallory, Brenda[Mallory.Brenda@epa.gov]; DePass, Michelle[DePass.Michelle@epa.gov]; Elkins, Arthur[Elkins.Arthur@epa.gov]; Kadeli, Lek[Kadeli.Lek@epa.gov]; Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]; Spalding, Curt[Spalding.Curt@epa.gov]; Enck, Judith[Enck.Judith@epa.gov]; Garvin, Shawn[garvin.shawn@epa.gov]; KeyesFleming, Gwen[KeyesFleming.Gwendolyn@epa.gov]; Hedman, Susan[hedman.susan@epa.gov]; Curry, Ron[Curry.Ron@epa.gov]; Brooks, Karl[brooks.karl@epa.gov]; Martin, Jim[Martin.Jim@epa.gov]; BLUMENFELD, JARED[BLUMENFELD.JARED@EPA.GOV]; McLerran, Dennis[mclerran.dennis@epa.gov]; Foos, Brenda[Foos.Brenda@epa.gov]; Reed, Khesha[Reed.Khesha@epa.gov]

**Cc:** Jackson, Lisa P.[Jackson.LisaP@epa.gov]; Bob Perciasepe[Perciasepe.Bob@epa.gov]; Thompson, Diane[Thompson.Diane@epa.gov]; Monger, Jon[Monger.Jon@epa.gov]; Sussman, Bob[Sussman.Bob@epa.gov]; Imohiosen, Charles[Imohiosen.Charles@epa.gov]; Ganesan, Arvin[Ganesan.Arvin@epa.gov]; Elworth, Lawrence[Elworth.Lawrence@epa.gov]; Garcia, Lisa[Garcia.Lisa@epa.gov]; Dietrich, Debbie[Dietrich.Debbie@epa.gov]; Pallone, Sarah[Pallone.Sarah@epa.gov]; Woodka, Janet[Woodka.Janet@epa.gov]; Dickenson, Denise[DICKENSON.DENISE@EPA.GOV]; Kopocis, Ken[Kopocis.Ken@epa.gov]; Foos, Brenda[Foos.Brenda@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Schaaff, Lesley[Schaaff.Lesley@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Munis, Ken[Munis.Ken@epa.gov]; Cummings, Evangeline[Cummings.Evangeline@epa.gov]; Pritchard, Eileen[Pritchard.Eileen@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Geller, Michael[Geller.Michael@epa.gov]; Hanley, Mary[Hanley.Mary@epa.gov]; Martin, KarenL[Martin.KarenL@epa.gov]; Shaw, Nena[Shaw.Nena@epa.gov]; Scozzafava, MichaelE[Scozzafava.MichaelE@epa.gov]; DAA[DAA@epa.gov]; DRA[DRA@epa.gov]; Bergman, Shawna[Bergman.Shawna@epa.gov]

**From:** Kime, Robin

**Sent:** Tue 2/12/2013 12:24:39 PM

**Subject:** Final February-March 60 Day List  
[60 Day List February-March 2013.docx](#)  
[Chron 60 Day List February-March 2013.docx](#)

Based on your input, attached is a final 60-Day List for February and March 2013. The list, organized by program office and region, contains brief descriptions and timelines of EPA actions upcoming between now and the end of March. Also included are some priority policy actions, which are included without regard to the projected date of their next milestone. Also attached is a shorter, chronological version of this list.

I hope you and your immediate staff find this to be of use. Please feel free to contact me or Alex Cristofaro with any comments or questions.

Thanks  
Michael

**To:** Jon Monger[jon.monger@epa.gov]  
**From:** Jon Monger  
**Sent:** Sat 2/16/2013 2:38:52 AM  
**Subject:** Draft EPA policy calendar  
Draft Policy Calendar 2.15.2013 v2.xls

Attached please find EPA's draft policy calendar for this week. Thanks!

*(See attached file: Draft Policy Calendar 2.15.2013 v2.xls)*

**To:** Sussman, Bob[Sussman.Bob@epa.gov]  
**Cc:** Goo, Michael[Goo.Michael@epa.gov]; Rees, Sarah[Rees.Sarah@epa.gov]  
**From:** Barron, Alex  
**Sent:** Thur 2/21/2013 4:42:54 PM  
**Subject:** OSWER slides  
UNTITLED.PPTX  
ELG and CCR OMB ORCR Edits 2-21-13 8am.pptx

Bob – Here are OSWER’s slides. I didn’t realize that they didn’t distribute to the group when they sent them last night. The smaller ppt is just the new slides from OSWER (see the untitled ppt). The other includes their suggested edits to the deck we circulated at 6pm – we are discussing those with OSWER staff as we speak.

Alex

**To:** McCarthy, Gina[McCarthy.Gina@epa.gov]; Hooks, Craig[Hooks.Craig@epa.gov]; Bennett, Barbara[Bennett.Barbara@epa.gov]; Frank, Joyce[Frank.Joyce@epa.gov]; Giles-AA, Cynthia[Giles-AA.Cynthia@epa.gov]; Jackson, Malcolm[jackson.malcolm@epa.gov]; Mallory, Brenda[Mallory.Brenda@epa.gov]; DePass, Michelle[DePass.Michelle@epa.gov]; Elkins, Arthur[Elkins.Arthur@epa.gov]; Jones, Jim[Jones.Jim@epa.gov]; Kadeli, Lek[Kadeli.Lek@epa.gov]; Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]; Spalding, Curt[Spalding.Curt@epa.gov]; Enck, Judith[Enck.Judith@epa.gov]; Garvin, Shawn[garvin.shawn@epa.gov]; KeyesFleming, Gwen[KeyesFleming.Gwendolyn@epa.gov]; Hedman, Susan[hedman.susan@epa.gov]; Curry, Ron[Curry.Ron@epa.gov]; Brooks, Karl[brooks.karl@epa.gov]; Martin, James[martin.james@epa.gov]; BLUMENFELD, JARED[BLUMENFELD.JARED@EPA.GOV]; McLerran, Dennis[mclerran.dennis@epa.gov]  
**Cc:** Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Schaaff, Lesley[Schaaff.Lesley@epa.gov]; Munis, Ken[Munis.Ken@epa.gov]; Pritchard, Eileen[Pritchard.Eileen@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]; DAA[DAA@epa.gov]; DRA[DRA@epa.gov]  
**From:** Goo, Michael  
**Sent:** Mon 3/4/2013 2:38:41 PM  
**Subject:** Draft March-April 60-day List for Your Review and Comment  
[draft 60 Day List March-April 2013.docx](#)

OP has prepared a draft 60-Day List report for March-April 2013. This document contains brief descriptions and timelines of EPA actions upcoming between now and the end of April. It also contains descriptions and timelines for some priority policy actions regardless of the projected date of their next milestone. Major active IRIS assessments and high-profile NEPA reviews are also included regardless of next milestone date. The report is generated using the Scout database and is intended to be used you and your immediate office staff.

As before, I'd appreciate your help in finalizing the attached report. In particular, I would like to make sure that:

- (1) all relevant actions/milestones for your office are listed;
- (2) the associated dates are as up-to-date as possible; and
- (3) the associated descriptions are adequate and accurate.

If milestone dates need to be revised, those changes should be made directly in Scout (or in ADP Tracker for tiered actions) by your staff. Suggested changes to the 60-Day List titles and descriptions can be made in Scout by your staff using instruction previously provided them, or can be e-mailed to Lesley Schaaff and Bruce Schillo.



Please make any changes in Scout or provide us with any additional information by COB, Thursday, March 7.

If you or your staff have Scout related questions, please contact Bruce Schillo at 564-6552. If you have any other questions, please let me or Bruce Schillo know.

Thanks very much

- Michael

**To:** McCarthy, Gina[McCarthy.Gina@epa.gov]; Hooks, Craig[Hooks.Craig@epa.gov]; Bennett, Barbara[Bennett.Barbara@epa.gov]; Frank, Joyce[Frank.Joyce@epa.gov]; Jones, Jim[Jones.Jim@epa.gov]; Giles-AA, Cynthia[Giles-AA.Cynthia@epa.gov]; Jackson, Malcolm[jackson.malcolm@epa.gov]; Mallory, Brenda[Mallory.Brenda@epa.gov]; DePass, Michelle[DePass.Michelle@epa.gov]; Elkins, Arthur[Elkins.Arthur@epa.gov]; Kadeli, Lek[Kadeli.Lek@epa.gov]; Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]; Spalding, Curt[Spalding.Curt@epa.gov]; Enck, Judith[Enck.Judith@epa.gov]; Garvin, Shawn[garvin.shawn@epa.gov]; KeyesFleming, Gwen[KeyesFleming.Gwendolyn@epa.gov]; Hedman, Susan[hedman.susan@epa.gov]; Curry, Ron[Curry.Ron@epa.gov]; Brooks, Karl[brooks.karl@epa.gov]; Cantor, Howard[cantor.howard@epa.gov]; BLUMENFELD, JARED[BLUMENFELD.JARED@EPA.GOV]; McLerran, Dennis[mclerran.dennis@epa.gov]  
**Cc:** Perciasepe Bob[Perciasepe.Bob@epamail.epa.gov]; Thompson, Diane[Thompson.Diane@epa.gov]; Monger, Jon[Monger.Jon@epa.gov]; Sussman, Bob[Sussman.Bob@epa.gov]; Imohiosen, Charles[Imohiosen.Charles@epa.gov]; Gilfillan, Brendan[Gilfillan.Brendan@epa.gov]; Ganesan, Arvin[Ganesan.Arvin@epa.gov]; Garcia, Lisa[Garcia.Lisa@epa.gov]; Dietrich, Debbie[Dietrich.Debbie@epa.gov]; Pallone, Sarah[Pallone.Sarah@epa.gov]; Woodka, Janet[Woodka.Janet@epa.gov]; Dickenson, Denise[DICKENSON.DENISE@EPA.GOV]; Kopocis, Ken[Kopocis.Ken@epa.gov]; Foos, Brenda[Foos.Brenda@epa.gov]; Bittleman, Sarah[Bittleman.Sarah@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Schaaft, Lesley[Schaaft.Lesley@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Cummings, Evangeline[Cummings.Evangeline@epa.gov]; Pritchard, Eileen[Pritchard.Eileen@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Geller, Michael[Geller.Michael@epa.gov]; Hanley, Mary[Hanley.Mary@epa.gov]; Martin, KarenL[Martin.KarenL@epa.gov]; Shaw, Nena[Shaw.Nena@epa.gov]; Scozzafava, MichaelE[Scozzafava.MichaelE@epa.gov]; DAA[DAA@epa.gov]; Coleman, Sam[Coleman.Sam@epa.gov]  
**From:** Goo, Michael  
**Sent:** Thur 3/14/2013 2:58:49 PM  
**Subject:** Final March-April 60 Day List  
[Chron 60 Day List March-April 2013.docx](#)  
[60 Day List March-April 2013.docx](#)

Based on your input, attached is a final 60-Day List for March and April 2013. The list, organized by program office and region, contains brief descriptions and timelines of EPA actions upcoming between now and the end of April. Also included are some priority policy actions, which are included without regard to the projected date of their next milestone. Also attached is a shorter, chronological version of this list.

I hope you and your immediate staff find this to be of use. Please feel free to contact me or Alex Cristofaro with any comments or questions.

Thanks

Michael



**From:** Walke, John  
**Sent:** Thur 4/4/2013 6:25:14 PM  
**Subject:** Lisa Heinzerling on OIRA & EPA

FYI, in case you have not seen these: (1) an article by Lisa Heinzerling on the relations between OIRA & EPA, entitled “Who Will Run the EPA?” (<http://jreg.common.yale.edu/who-will-run-the-epa/>); (2) an interview of Lisa by Grist’s Dave Roberts (below and at [http://grist.org/politics/whos-really-in-charge-on-epa-rules-a-chat-with-legal-scholar-lisa-heinzerling/#.UV2FG1\\_eKe8.twitter](http://grist.org/politics/whos-really-in-charge-on-epa-rules-a-chat-with-legal-scholar-lisa-heinzerling/#.UV2FG1_eKe8.twitter)); and (3) an essay by Lisa reviewing a forthcoming book by former OIRA head, Cass Sunstein (below and at <http://thinkprogress.org/climate/2013/04/04/1819891/sunsteins-simple-world-its-complicated/>).

## Who’s really in charge on EPA rules? A chat with legal scholar Lisa Heinzerling

By [David Roberts](#)

Any action on climate change during Obama’s second term will likely come via EPA, not Congress. Crucial new EPA rules are in the works, including regulations on carbon dioxide from new power plants and, climate hawks hope, existing power plants too.

But EPA does not have final say over the regulations it writes.

Before it issues any major rules, the agency has to get sign-off from the Office of Information and Regulatory Affairs (OIRA), which is an office inside the Office of Management and Budget (OMB), which is an office inside the Executive Office of the President of the United States (EOP).

Wait! Don’t click away yet! Behind this barrage of acronyms is a serious question about who’s really in charge when it comes to environmental rules. Will it be [Gina McCarthy](#), Obama’s new pick to run EPA? Or will McCarthy ultimately answer to Sylvia Mathews Burwell, Obama’s pick to run OMB? Will the rules be shaped by the public-health standards that have traditionally guided EPA, or by cost-benefit analysis from OIRA?

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Georgetown University Lisa Heinzerling.

Georgetown law professor Lisa Heinzerling, who used to work for EPA advising Lisa Jackson on climate policy, recently published a rather scathing critique of OMB that questioned the Obama administration's commitment to transparency on agency rulemaking. She writes ...

... the Obama administration has continued and deepened a longstanding practice of White House control over EPA rules, with cost-benefit analysis as the guiding framework. OMB is the central player in this structure: it reviews, under a cost-benefit rubric, all agency rules that it deems "major" under executive orders mandating this review. EPA rules deemed major by OMB are not issued without OMB's imprimatur. Thus does the OMB director become the EPA Administrator's boss.

What's worse, throughout Obama's tenure rules have simply disappeared into OMB, never to see the light again, with no explanation for why, or even if, they were rejected. (Heinzerling's article cites several.) The administration has flouted its own guidelines on transparency, which were reaffirmed by the president in an executive order, and has skirted accountability by keeping final rulemaking determinations behind a cloak of secrecy.

I called Heinzerling to get the scoop on the dysfunctional state of the regulatory apparatus.

**Q. In many cases, the laws Congress has passed (e.g., the Clean Air Act) instruct EPA *not* to use cost-benefit analysis when developing rules, but to use public-health or technology standards instead. Yet OIRA imposes cost-benefit on those same rules. How is that not a violation of congressional intent?**

A. Congress hasn't changed those environmental statutes. And almost none of them — I can think of only one example — explicitly require cost-benefit analysis. The others sometimes even prohibit it, but mostly they call for some other kind of decision-making framework. So one tension is that Congress has set forth one decision-making framework and then OMB and the president have set forth another.

The other tension is that even though OMB recognizes that some statutes don't even *allow* cost-benefit analysis, they require it anyway. The Clean Air Act air-quality standards are the preeminent example here. The Supreme Court has held that you can't do cost-benefit when setting something like the ozone standards; OMB says you must. Then you get I think a pretty ambiguous and problematic decision from the president, from OMB, sending the ozone rules back to Lisa Jackson. [In September 2011, the White House asked/ordered then-EPA chief Jackson to delay tough new standards for ozone pollution.]

**Q. When did this tacked-on cost-benefit analysis start? What's the origin?**

A. Some form of this has existed since Nixon, but it was really systematized with President Reagan. He issued an executive order requiring cost-benefit analysis and for the first time putting OIRA in charge. Then President Clinton changed the executive order, made it a little bit more friendly to the environment and health and safety rules, creating a precise process for conflicts between OMB and the agencies. And now President Obama has both reaffirmed that executive order and issued his own [PDF].

Environmental laws have always been the big target.

**Q. Is there basis for legal challenges to OMB on this stuff?**

A. There are a few things. One is this question: Are they violating statutory mandates, like "don't consider cost"? The second one is: Are they violating statutory mandates that say, you, EPA administrator, are in charge of doing this, not you, OIRA administrator? And the third, related to the second, is: Can the president, through the OIRA administrator, tell an agency head who's been given authority by statute, "We know you want to do that, but you can't"? And that turns out to be both a statutory and a constitutionally related question: How much authority does the president have over those decisions? That is unsettled. There's a huge amount of writing from law professors on the topic.

**Q. What's EPA supposed to do if OMB sends something back because it costs too much? They're still not allowed to consider cost, are they?**

A. OIRA would say, "No, no, there's a definitive Supreme Court ruling saying you can't consider cost, we won't make you consider cost." But then you have to ask, what was the ozone rule about? Why was that handed back?

**Q. Did they ever say why?**

A. President Obama, in his note to Lisa Jackson, said these are tough economic times and we need regulatory certainty. Those things sound an awful lot like gestures toward cost. Cass Sunstein [OIRA administrator from 2009-2012] sent a memo saying there are other ozone rules (true, but irrelevant) and also gesturing toward regulatory certainty. Interestingly, he has said the ozone decision was "unquestionably correct on the merits," but he has never explained it!

**Q. In my experience, it's difficult to get people worked up about inappropriate use of cost-**

**benefit analysis because they don't really see any alternative to it. They think, well, what else could you do but weigh costs and benefits? What else is there?**

A. Let me back up: No matter what you think about cost-benefit, you might want to know that it's this administration's decisionmaking device. For all those rules that are stuck at OMB, there's no return letter, there's no public explanation why they're there, and they're never coming out. Whether you like cost-benefit or not, you might want a public explanation for why OMB has rejected rules the agencies have given them. It's just a basic question about transparency and accountability.

But as for cost-benefit analysis, there are lots of other ways you can make decisions. I think sometimes people who talk about the advantages of cost-benefit trade on a kind of commonsense understanding of what it means. It's Ben Franklin's "moral and prudential algebra" — you put things that are good on one side of the ledger, things that are bad on the other, and think about it. That's not a bad way to make decisions. But there are other ways to make decisions.

There are some places where we decide, no, I'm just not going to do that; I'm going to have a principle. Air quality standards that don't allow considerations of cost have that character — the idea that we would have air quality everywhere in the U.S. that allows people to breathe without getting sick or dying. People can say it's dumb, or it goes too far, but it's a way to make decisions. It's not crazy.

Another way to make decisions is to say, we're going to have you use the best control technology out there. We're going to look at the top 10 percent of the relevant plants and have all plants come up to that code. Again, people can criticize it on the merits, but it's a way to make decisions, basically the way we've made decisions in environmental policy.

**Q. Do agency administrators chafe under this OMB review?**

A. When the Obama administration came into office, Obama issued a presidential memorandum saying he was looking for recommendations about how to reform the process of regulatory review. He said OMB was supposed to look at cost-benefit, the relationship between the agencies and OIRA, all these things people had been anxious and upset about in previous years. People were so happy. The agencies sent in all these comments. Everybody was eager, because they thought there finally wasn't going to be such a grip on their output by OIRA.

But the agency comments were never made public and the matter just sort of died. There was a lot of hope that the process would change in a way that would allow the agencies to do their work without as much intrusion from OIRA. But it came to nothing. I think there's been an explicit privileging of cost-benefit in this administration; it was there in the Bush administration, but it is explicit now. I think OIRA's influence has been deepened.

## **Sunstein's Simple World: It's Complicated**

By Climate Guest Blogger on Apr 4, 2013 at 11:07 am

*By Lisa Heinzerling*

In his new book, “Simpler: The Future of Government,” Harvard law professor Cass Sunstein writes about his nearly four years as President Barack Obama’s “regulatory czar.” As the Administrator of the Office of Information and Regulatory Affairs (known as “OIRA”) within the Office of Management and Budget, Sunstein oversaw the regulatory output of the many agencies of the executive branch. Rules on worker health, environmental protection, food safety, health care, consumer protection, and more all passed through Sunstein’s inbox.

Some never left. A group of Department of Energy efficiency standards, for example, have languished at OIRA since 2011, as has an Occupational Safety and Health Administration rule to finally reduce exposure to the silica dust that sickens workers every year.

In his revealing book, Sunstein tells us why: it is because he, Sunstein, had the authority to “say no to members of the president’s Cabinet”; to deposit “highly touted rules, beloved by regulators, onto the shit list”; to ensure that some rules “never saw the light of day”; to impose cost-benefit analysis “wherever the law allowed”; and to “transform cost-benefit analysis from an analytical tool into a “rule of decision,” meaning that “[a]gencies could not go forward” if their rules flunked OIRA’s cost-benefit test.

Assertive intrusions into agencies’ prerogatives — prerogatives given by law to the agencies, not to OIRA — were necessary, Sunstein insists, because otherwise agency decisions might be based not on “facts and evidence,” but on “intuitions, anecdotes, dogmas, or the views of powerful interest groups.” In Sunstein’s account, OIRA’s interventions also ensured “a well-functioning system of public comment” and “compliance with procedural ideals that might not always be strictly compulsory but that might be loosely organized under the rubric of ‘good government’.” No theme more pervades Sunstein’s book than the idea that government transparency is essential to good regulatory outcomes and to good government itself.

The deep and sad irony is that few government processes are as opaque as the process of OIRA review, superintended for almost four years by Sunstein himself. Few people even know OIRA exists; in fact, the adjective that most often appears in descriptions of this small office is “obscure.” Even fewer people know that OIRA has effective veto power over major rules issued by executive-branch agencies and that the decision as to whether a rule is “major” — and thus



must run OIRA's gauntlet before being issued — rests solely in OIRA's hands. Most people, I would venture to guess, think that the person who runs, say, the Environmental Protection Agency is actually the Administrator of the Environmental Protection Agency. But given OIRA's power to veto rules, the reality is otherwise: In the rulemaking domain, the head of OIRA is effectively the head of the EPA.

This state of affairs poses several problems. Two have to do with law. One problem is that laws on workplace health, environmental protection, food safety and other protections give agencies — like OSHA, EPA, and the FDA — the authority to make rules. They do not give this authority to OIRA. No statute, in fact, gives OIRA the power to review agencies' rules. This power today derives, instead, from a set of executive orders issued by Presidents Clinton and Obama. But it is a large question whether a law giving rulemaking authority to one part of government is properly construed as giving authority to another part of government, designated by the President. Most agree that a statute giving authority over food safety to the FDA does not allow the President to turn that power over to the Department of Agriculture. It is a little hard to see why that same statute can be interpreted to turn the power over to OIRA.

Another legal problem with the current process of OIRA review is that OIRA imports a cost-benefit framework into statutes that do not allow this framework. The Clean Air Act, for example, requires EPA to set national air quality standards for various air pollutants based only on the scientific evidence of the level at which such pollutants are harmful. The Supreme Court, in a unanimous 2001 ruling authored by Justice Scalia, held that the law does not permit EPA to take costs into account in setting these standards. But OIRA nevertheless requires cost-benefit analysis of these standards. And, in perhaps the most prominent assertion of control over agency prerogatives in this administration, President Obama directed then-EPA Administrator Lisa Jackson to withdraw a revised air quality standard for ozone, citing “the importance of reducing regulatory burdens and regulatory uncertainty, particularly as our economy continues to recover.” It is difficult to understand this decision, with its focus on regulatory burdens and economic circumstances, as anything other than a flouting of the Clean Air Act. Notably, while Sunstein describes President Obama's decision as “unquestionably correct,” “made on the merits,” and “not motivated by politics,” he nowhere explains exactly why he thinks the decision was correct or consistent with the law.

Similar, but more subtle, intrusions by OIRA on the legal authority of agencies involve not disregarding clear statutory commands but pressing agencies to interpret ambiguous commands so as to allow cost-benefit analysis. In an important decision almost thirty years ago, the Supreme Court held that where an administrative agency is interpreting a statute that is ambiguous, the courts should defer to the agency's interpretation as long as it is reasonable. This idea, known as the Chevron doctrine after the case that announced it, means that agencies often have a large range of discretion in interpreting the statutes under which they operate. Under Sunstein, OIRA has stepped into that range and pressed agencies to adopt cost-benefit analysis as their decision-making framework wherever the law does not unambiguously preclude it.

To understand the boldness of OIRA's power grab, we need to consider a bit of history. In 1994, eyeing the first Republican takeover of the House of Representatives in forty years, Newt Gingrich proposed an aggressive series of legislative reforms, bundled together as the “Contract

With America.” Among the most contentious of the proposals was the “supermandate”: a requirement that all rules protecting human health, safety, or the environment pass a cost-benefit test. Critics of what President Bill Clinton dubbed the “Contract On America” feared that applying a cost-benefit test to health, safety, and environmental rules would often spell their doom, as these rules produce benefits — in human health, in longer life, in cleaner air and water and land — that are hard to quantify and even harder to monetize. President Clinton vetoed bills to fund the government in part because they contained the supermandate, leading to the government shutdowns of 1995 and likely contributing to Clinton’s political renewal.

Thanks to Sunstein, though, the supermandate is back. By pressing agencies to adopt cost-benefit analysis as a decision-making framework wherever the law allows it, Sunstein’s OIRA has, by executive fiat rather than legislative enactment, imposed a cost-benefit supermandate wherever the law is ambiguous (which it often is). Newt Gingrich might be pleased, but those concerned with health, safety, and environmental protection should not be.

A third problem with OIRA is its unaccountability. In Sunstein’s rendering, OIRA gathers information from all corners of the executive branch: White House economic offices, the White House Chief of Staff, Cabinet heads, career staffers in OIRA and in other agencies, and many others all kibitz on rules under review at OIRA. But where everyone is responsible, no one is accountable. Indeed, in a [recent article](#), Sunstein himself has insisted that — despite his book’s tall talk of “shit lists” and saying no — he really didn’t have much power at all. When a rule ends up on the “shit list,” then — after an agency has spent time and resources developing it, based on its best understanding of its legal obligations and the factual evidence before it — who is accountable? No one, it seems — because everyone is.

OIRA also undermines accountability by working in the dark. Although the Clinton-era executive order that outlines the OIRA review process sets out many requirements for transparency, President Obama’s OIRA follows almost none of them. Contrary to the executive order, OIRA does not explain to agencies, in writing, that items on their regulatory agenda do not fit with the President’s agenda; it does not keep a publicly available log explaining when and by whom disputes between OIRA and the agencies were elevated; it does not ensure that agencies clearly explain any changes made to a regulatory package at OIRA’s behest; and it does not (with the one exception of the ozone standard) return rules to agencies with a written explanation about why they have not passed OIRA review. On the latter point, agency heads might fairly wonder whether any of the items on Sunstein’s “shit list” include any of their own rules; the contents of the list appear, like so many things about OIRA, to be a secret.

If this is the future of government — legally suspect, politically unaccountable, preternaturally secretive — I’d like to think we can do better.

*Lisa Heinzerling is a Professor of Law at Georgetown University Law Center and member scholar and founding board member, Center for Progressive Reform. The author was Senior Climate Policy Counsel to EPA Administrator Lisa P. Jackson from January to July 2009, and Associate Administrator of the EPA Office of Policy from July 2009 to December 2010. This piece was posted with permission.*

Best,

John Walke

\*Note new cell phone number.

Clean Air Director

Natural Resources Defense Council

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Suite 300

Washington, DC 20005

(202) 289-2406 (W)

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Read my blog on clean air policy and law at <http://switchboard.nrdc.org/blogs/jwalke/> and follow me on Twitter at [jwalkenrdc](#).

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**Required Attendees:** john.novak@nreca.coop  
**Optional Attendees:** Barron, Alex  
**Location:** Starbucks (JW Marriott) 1331 Pennsylvania Avenue NW · Washington, District Of Columbia  
**Importance:** Normal  
**Subject:** General  
**Start Date/Time:** Thur 4/18/2013 1:30:00 PM  
**End Date/Time:** Thur 4/18/2013 2:30:00 PM

**POC: Jacqueline Poole - 202 566 2670**

**From:** Novak, John J. [<mailto:john.novak@nreca.coop>]  
**Sent:** Thursday, March 28, 2013 11:01 AM  
**To:** Goo, Michael  
**Subject:** Effluent Limitations Guidelines

Michael,

Per our discussion when we met last month, I wanted to follow up on the proposed steam electric generating station emissions limitations guidelines. As you may know, NRECA met with OMB to discuss our issues. Attached are the documents that we provided to OMB. Our main concerns are summarized below:

Has EPA appropriately considered potential effects on small electric cooperative and the rural members they serve?

Are the proposed ELGs based on cost-effective and adequately demonstrated technologies?

The ELG rule should be coordinated with CCR rule.

Will EPA provide sufficient compliance schedules?

EPA should provide for a sufficient comment period.

I hope you find this useful. Is it time for another get-together over coffee?

John

*John J. Novak*  
*Executive Director, Environmental Issues*  
*National Rural Electric Cooperative Association*  
*703-907-5798 (office)*  
*703-517-1150 (mobile)*  
[john.novak@nreca.coop](mailto:john.novak@nreca.coop)

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**To:** McCarthy, Gina[McCarthy.Gina@epa.gov]; Hooks, Craig[Hooks.Craig@epa.gov]; Bennett, Barbara[Bennett.Barbara@epa.gov]; Frank, Joyce[Frank.Joyce@epa.gov]; Giles-AA, Cynthia[Giles-AA.Cynthia@epa.gov]; Jackson, Malcolm[jackson.malcolm@epa.gov]; Mallory, Brenda[Mallory.Brenda@epa.gov]; DePass, Michelle[DePass.Michelle@epa.gov]; Elkins, Arthur[Elkins.Arthur@epa.gov]; Jones, Jim[Jones.Jim@epa.gov]; Kadeli, Lek[Kadeli.Lek@epa.gov]; Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]; Spalding, Curt[Spalding.Curt@epa.gov]; Enck, Judith[Enck.Judith@epa.gov]; Garvin, Shawn[garvin.shawn@epa.gov]; KeyesFleming, Gwen[KeyesFleming.Gwendolyn@epa.gov]; Hedman, Susan[hedman.susan@epa.gov]; Curry, Ron[Curry.Ron@epa.gov]; Brooks, Karl[brooks.karl@epa.gov]; Martin, James[martin.james@epa.gov]; Blumenfeld, Jared[BLUMENFELD.JARED@EPA.GOV]; McLerran, Dennis[mclerran.dennis@epa.gov]  
**Cc:** Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Schaaff, Lesley[Schaaff.Lesley@epa.gov]; Munis, Ken[Munis.Ken@epa.gov]; Pritchard, Eileen[Pritchard.Eileen@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]; DAA[DAA@epa.gov]; Coleman, Sam[Coleman.Sam@epa.gov]  
**From:** Goo, Michael  
**Sent:** Tue 4/9/2013 12:11:45 PM  
**Subject:** Draft April-May 60-day List for Your Review and Comment  
[draft 60 Day List April-May 2013.docx](#)

OP has prepared a draft 60-Day List report for April-May 2013. This document contains brief descriptions and timelines of EPA actions upcoming between now and the end of May. It also contains descriptions and timelines for some priority policy actions regardless of the projected date of their next milestone. Major active IRIS assessments and high-profile NEPA reviews are also included regardless of next milestone date. The report is generated using the Scout database and is intended to be used by you and your immediate office staff.

As before, I'd appreciate your help in finalizing the attached report. In particular, I would like to make sure that:

- (1) all relevant actions/milestones for your office are listed;
- (2) the associated dates are as up-to-date as possible; and
- (3) the associated descriptions are adequate and accurate.

If milestone dates need to be revised, those changes should be made directly in Scout (or in ADP Tracker for tiered actions) by your staff. Suggested changes to the 60-Day List titles and descriptions can be made in Scout by your staff using instruction previously provided them, or can be e-mailed to Lesley Schaaff and Bruce Schillo.



Please make any changes in Scout or provide us with any additional information by COB, Thursday, April 11.

If you or your staff have Scout related questions, please contact Bruce Schillo at 564-6552. If you have any other questions, please let me or Bruce Schillo know.

Thanks very much

- Michael

**To:** Goo, Michael[Goo.Michael@epa.gov]  
**Cc:** Ganesan, Arvin[Ganesan.Arvin@epa.gov]  
**From:** Vaught, Laura  
**Sent:** Tue 4/16/2013 1:47:58 PM  
**Subject:** FW: QFR Reassignments  
Copy of Final McCarthy QFRs by assignment OAR version.xlsx

Goo – this is the correct list to use – I’m separately sending you the original with the instructions.

AG – Goo is going to help us wrangle the OP ones with Alex out.

**From:** Beauvais, Joel  
**Sent:** Tuesday, April 16, 2013 9:07 AM  
**To:** Lewis, Josh; Kaiser, Sven-Erik; Levine, Carolyn; Goffman, Joseph; Beauvais, Joel; Barron, Alex; Garbow, Avi; McDermott, Marna; Peck, Gregory; Lubetsky, Jonathan; King, Kirsten; Vaught, Laura  
**Subject:** QFR Reassignments  
**Importance:** High

**Folks** – As we’ve gone through the QFRs, we noticed a number that were incorrectly assigned to us. These are reflected below, together with an indication of the proper office. I am also attaching a revised version of the spreadsheet with these corrections, in case that is useful.

**Josh** – Can you figure out how to get the right person at R2 on the Puerto Rico questions?

**OW/Greg Peck**

**Vitter – Mingo Logan:**

In March, 2012, a federal court struck down EPA’s retroactive revocation of a mining-related CWA Sec. 404 permit, holding unequivocally that EPA has no authority to retroactively veto CWA Sec. 404 permits issued by the U.S. Army Corps of Engineers. EPA has appealed the decision, maintaining that at any time after the issuance of the permit – even where, as here, the permit has been being properly followed for several years and EPA had worked with the permittee and the Army Corps for ten years prior to permit issuance to reach an acceptable alternative – EPA may veto the permit. What do you think the practical effect on industry would be of having Sec. 404 permits be subject to EPA’s veto whenever the agency chooses?

**Fischer 6:**

6. How would you assure the upcoming EPA proposed rules to tighten the Clean Water Act power plant effluent discharge standards are reasonable, technically achievable, and cost effective for all fuel types?

**OGC**

**Vitter – cooperative federalism (same as one of the Inhofe Qs):**

In the Clean Air Act, please provide you definition of cooperative federalism. Can you conceive of any circumstances where EPA has disagreed with a State’s approach, on policy grounds, and decided that the Agency will not intervene to override the state?

**Vitter – labeled “SSM”**

**Ex. 5 - Deliberative**

Rulemaking is increasingly being accomplished through the use of consent decrees that commit the EPA to taking specific regulatory actions. The consent decrees agreed to by EPA and outside groups often commit EPA to specific actions and timeframes. If EPA is going to make specific regulatory commitments to outside groups, shouldn't there be an opportunity for Congress or the public to comment on these commitments before they are made, rather than having the opportunity to comment only after legally enforceable policy commitments are made by EPA?

**OP/Alex Barron:**

**Ex. 5 - Deliberative**

**Vitter – relief for “peaking” facilities**

EPA’s proposed rule would impose expensive new study, monitoring, and retrofit requirements on all existing facilities, including “baseload” facilities that are the foundation of our electric system and “peaking” facilities that are used more sparingly to meet periods of peak electricity use. But the peaking units may be used for as little as a few days a year when electricity

demand is high, and it would be uneconomic to spend a great deal of money on them for studies and equipment that would be rarely used and would not provide commensurate environmental benefit. In an earlier version of the rule, EPA provided an exemption for such units. Yet in the current proposed rule, which is soon to be finalized, EPA eliminated the exemption. Would you consider reinstating that exemption or providing equivalent relief from the rule's requirements for peaking facilities so they can continue to perform their crucial reliability function?

### **Vitter – relief for facilities being retired**

EPA's proposed rule outlines a rigid schedule of expensive and time consuming studies that are required as an interim measure before a plant installs technology to comply with the rule's requirements. It is also my understanding that this set of interim measures would apply to facilities even if they announce they plan to retire prior to compliance deadlines. Why would we subject existing facilities to additional and unnecessary expenses if, in fact, they have announced retirement and ultimately would not be expected to comply with the rule because they no longer would be in operation? Will you ensure the final rule provides compliance relief for generation assets that announce retirement?

### **Region 2**

#### **Vitter – Permit/Clean Air Act**

There is currently a project under review by EPA in Arecibo, Puerto Rico that is experiencing a lengthy delay in obtaining a permit under the Clean Air Act. I understand that this state-of-the-art waste-to-energy facility meets your Agency's most stringent air emissions standards and will help to alleviate Puerto Rico's landfill emissions problem that has created so many health challenges for that island's population. The delay in permitting this facility is even stranger considering your Agency permitted a nearly identical facility in Baltimore in August 2010. That permit process, from application to final order, took only 15 months. In the present case, the permit process has extended well over 2 years and we still have not seen action. Can you explain this situation?

#### **Vitter – Permit/Clean Air Act**

Ms. McCarthy, your Agency is well past its statutory deadline for issuing the permit. Your delay is preventing the island of Puerto Rico from reducing greenhouse gas emissions by over 1 million tons per year, as well as creating green technology jobs for that struggling economy. Please give me a date certain when I can expect to see that permit signed.

## **OCIR - General**

### **Vitter – State Primacy**

States have the primary responsibility for implementing the environmental programs and regulations that EPA develops. Most States receive less than 20% of their overall budget from EPA, and in some cases, significantly less; yet EPA continues to adopt new regulations and programs without providing the States with commensurate funding. If confirmed, how will you balance the increasing demand for the State's services with the decreasing availability of the resources needed to implement EPA's ever expanding programs?

### **Vitter – FOIA**

Will EPA commit to aligning its FOIA redaction practices with DOJ guidelines?

**To:** McCarthy, Gina[McCarthy.Gina@epa.gov]; Hooks, Craig[Hooks.Craig@epa.gov]; Bennett, Barbara[Bennett.Barbara@epa.gov]; Frank, Joyce[Frank.Joyce@epa.gov]; Jones, Jim[Jones.Jim@epa.gov]; Giles-AA, Cynthia[Giles-AA.Cynthia@epa.gov]; Jackson, Malcolm[jackson.malcolm@epa.gov]; Mallory, Brenda[Mallory.Brenda@epa.gov]; DePass, Michelle[DePass.Michelle@epa.gov]; Elkins, Arthur[Elkins.Arthur@epa.gov]; Kadeli, Lek[Kadeli.Lek@epa.gov]; Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]; Spalding, Curt[Spalding.Curt@epa.gov]; Enck, Judith[Enck.Judith@epa.gov]; Garvin, Shawn[garvin.shawn@epa.gov]; KeyesFleming, Gwen[KeyesFleming.Gwendolyn@epa.gov]; Hedman, Susan[hedman.susan@epa.gov]; Curry, Ron[Curry.Ron@epa.gov]; Brooks, Karl[brooks.karl@epa.gov]; Cantor, Howard[cantor.howard@epa.gov]; Blumenfeld, Jared[BLUMENFELD.JARED@EPA.GOV]; McLerran, Dennis[mclerran.dennis@epa.gov]

**Cc:** Perciasepe Bob[Perciasepe.Bob@epamail.epa.gov]; Thompson, Diane[Thompson.Diane@epa.gov]; Monger, Jon[Monger.Jon@epa.gov]; Sussman, Bob[Sussman.Bob@epa.gov]; Imohiosen, Charles[Imohiosen.Charles@epa.gov]; Gilfillan, Brendan[Gilfillan.Brendan@epa.gov]; Ganesan, Arvin[Ganesan.Arvin@epa.gov]; Garcia, Lisa[Garcia.Lisa@epa.gov]; Dietrich, Debbie[Dietrich.Debbie@epa.gov]; Pallone, Sarah[Pallone.Sarah@epa.gov]; Woodka, Janet[Woodka.Janet@epa.gov]; Dickenson, Denise[DICKENSON.DENISE@EPA.GOV]; Kopocis, Ken[Kopocis.Ken@epa.gov]; Foos, Brenda[Foos.Brenda@epa.gov]; Bittleman, Sarah[Bittleman.Sarah@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Schaaft, Lesley[Schaaft.Lesley@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Cummings, Evangeline[Cummings.Evangeline@epa.gov]; Pritchard, Eileen[Pritchard.Eileen@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Geller, Michael[Geller.Michael@epa.gov]; Hanley, Mary[Hanley.Mary@epa.gov]; Martin, KarenL[Martin.KarenL@epa.gov]; Ingram, Amir[Ingram.Amir@epa.gov]; Scozzafava, MichaelE[Scozzafava.MichaelE@epa.gov]; DAA[DAA@epa.gov]; Coleman, Sam[Coleman.Sam@epa.gov]

**From:** Goo, Michael

**Sent:** Tue 4/16/2013 12:52:50 PM

**Subject:** Final April-May 60 Day List

[Chron 60 Day List April-May 2013.docx](#)

[60 Day List April-May 2013.docx](#)

Based on your input, attached is a final 60-Day List for April and May 2013. The list, organized by program office and region, contains brief descriptions and timelines of EPA actions upcoming between now and the end of May. Also included are some priority policy actions, which are included without regard to the projected date of their next milestone. Also attached is a shorter, chronological version of this list.

I hope you and your immediate staff find this to be of use. Please feel free to contact me or Alex Cristofaro with any comments or questions.

Thanks

Michael



**To:** Monger, Jon[Monger.Jon@epa.gov]  
**From:** Monger, Jon  
**Sent:** Thur 4/18/2013 6:14:28 PM  
**Subject:** EPA Cabinet Report  
EarthDay.EPAactivities.041713.docx  
Cabinet Report EPA 4.22.doc

Attached please find this week's cabinet report, as well as an appendix with Earth Day items planned.  
Thanks!



**To:** Acting Administrator[62Perciasepe.Bob73@epa.gov]; Sussman, Bob[Sussman.Bob@epa.gov]; Garbow, Avi[Garbow.Avi@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]; Goo, Michael[Goo.Michael@epa.gov]  
**From:** O'Hara, James  
**Sent:** Fri 4/19/2013 4:25:19 PM  
**Subject:** what i just sent WH...includes OW clean up edits  
[steam electric2.docx](#)  
[steam electric2clean.docx](#)

**To:** Dickenson, Denise[DICKENSON.DENISE@EPA.GOV]; Gaber, Noha[Gaber.Noha@epa.gov]; Ganesan, Arvin[Ganesan.Arvin@epa.gov]; Geller, Michael[Geller.Michael@epa.gov]; Goo, Michael[Goo.Michael@epa.gov]; Hanley, Mary[Hanley.Mary@epa.gov]; Ingram, Amir[Ingram.Amir@epa.gov]; Johnson, Alisha[Johnson.Alisha@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Martin, KarenL[Martin.KarenL@epa.gov]; Monger, Jon[Monger.Jon@epa.gov]; Nitsch, Chad[Nitsch.Chad@epa.gov]; Rivas-Vazquez, Victoria[Rivas-Vazquez.Victoria@epa.gov]; Schaaff, Lesley[Schaaff.Lesley@epa.gov]; Scozzafava, MichaelE[Scozzafava.MichaelE@epa.gov]; Smith, Kelley[Smith.Kelley@epa.gov]; Thompson, Diane[Thompson.Diane@epa.gov]; Vaught, Laura[Vaught.Laura@epa.gov]; Willis, Sharnett[Willis.Sharnett@epa.gov]; Woodka, Janet[Woodka.Janet@epa.gov]  
**From:** Smith, Kelley  
**Sent:** Fri 4/19/2013 2:45:39 PM  
**Subject:** EPA Policy Calendar 4.19.2013 v1.xls  
[EPA Policy Calendar 4.19.2013 v1.xls](#)

Hello All,

The current draft of the Policy Calendar is attached for your review. The only question we have is:

## Ex. 5 - Deliberative

Best,

KS

**To:** Monger, Jon[Monger.Jon@epa.gov]  
**From:** Monger, Jon  
**Sent:** Thur 4/25/2013 6:46:38 PM  
**Subject:** Cabinet Report for the Week of April 29  
Weekly Cabinet Report 4.29.2013.doc

Attached please find the cabinet report for the week of April 29. Thanks!

--Jon

**To:** Monger, Jon[Monger.Jon@epa.gov]  
**From:** Monger, Jon  
**Sent:** Fri 5/3/2013 12:51:07 AM  
**Subject:** Cabinet Report Week of May 6  
Weekly Cabinet Report 5.6.2013 final.doc

Attached please find the cabinet report for the week of May 6. Thanks!

**To:** Goo, Michael[Goo.Michael@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; McGartland, Al[McGartland.Al@epa.gov]; Frece, John[Frece.John@epa.gov]; Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Connors, Sandra[Connors.Sandra@epa.gov]; Munis, Ken[Munis.Ken@epa.gov]; Scheraga, Joel[Scheraga.Joel@epa.gov]; Corman, Bicky[Corman.Bicky@epa.gov]; Ketcham-Colwill, Nancy[Ketcham-Colwill.Nancy@epa.gov]  
**From:** Germann, Sandy  
**Sent:** Thur 5/2/2013 12:21:58 PM  
**Subject:** Red Tape Rising: Regulation in Obama's First Term

Diane Katz and James Gattuso at the Heritage Foundation assess the Administration's regulatory record, and not surprisingly, make a number of references to EPA. They lay out a number of steps for Congress...Among their points:

Obama's 4<sup>th</sup> term is likely unmatched by any previous administration in history

Hundreds of regs are in the works, many related to EPA's climate "crusade"

Regulatory staff and budgets have grown

Transparency is lacking (issuing rules w/out public comment, ignoring Reg Agenda deadlines)

Cost and benefit analyses are flawed – They take issue with EPA:

- Amortizing capital costs over long periods
- Ignoring impacts on supply chains when regs create demand for emission-control equipment
- Using co-benefits (MACT rule)
- Using "private benefits – CAFÉ stds

### **Red Tape Rising: Regulation in Obama's First Term**

Outlet Full Name: Heritage Foundation

News Text: Regulatory burdens on Americans increased by nearly \$70 billion during President Obama's first term in office, during which federal agencies imposed 131 new major regulations. In 2012 alone, the Administration issued a total of \$23.5 billion in new regulatory costs from 25 major rulemakings. Only two rules last year decreased burdens. Much more regulation is on the way, with another 131 major rules on the Administration's agenda, including dozens more implementing Dodd–Frank and Obamacare. Action is needed by Congress, including requiring congressional approval of each new major regulation before it may take effect.

Congress and the White House have been focused for months on the federal budget—rightfully so, given perennial deficits and unsustainable levels of U.S. debt. However, federal spending accounts for only a portion of the burden placed on Americans by the government. Regulations impose huge additional costs, hindering job creation and innovation, while undermining Americans' fundamental freedoms.

Those costs are on the rise. Annual regulatory costs increased by more than \$23.5 billion during

President Barack Obama's fourth year in office—and by a total of nearly \$70 billion during the first term. While historical records are incomplete, that magnitude of regulation is likely unmatched by any Administration in the nation's history. And, despite a much-touted initiative to weed out unnecessary regulations, only two major rule changes reduced regulatory burdens in 2012.

There are many more rules to come, with an extraordinarily large number of regulations in the pipeline, including hundreds required under the 2010 Dodd–Frank Wall Street Reform and Consumer Protection Act and the 2010 Patient Protection and Affordable Care Act, widely known as Obamacare. As the red tape continues to mount, the Obama Administration has let regulatory oversight and transparency lapse. The White House office charged with overseeing regulatory policy has not had a director since August 2012[1] and legal deadlines for key reports on rulemaking were ignored.

Reform of the regulatory process is critically needed, including steps to make Congress accountable for the rules that are imposed. To that end, congressional approval should be required for all new major regulations to take effect. Sunset deadlines should be set for all major regulations, and so-called independent agencies, such as the Securities and Exchange Commission, should be included in the executive branch regulatory review process.[2]

### Measuring the Red Tape

Unlike federal taxation and spending, there is no official accounting of total regulatory costs. Estimates range from hundreds of billions of dollars to nearly \$2 trillion each year. However, the number and cost of new regulations can be tracked, and both are growing substantially.

The most comprehensive source of data on new regulations is the Federal Rules Database maintained by the Government Accountability Office (GAO). According to the GAO data, federal regulators issued 2,605 new rules during Obama's fourth year in office.[3] Of these, 69 were classified as “major,” generally defined as having an expected economic impact of at least \$100 million per year.[4] Forty-two of these major rules were administrative or budgetary in nature, such as Medicare payment rates or hunting limits on migratory birds; twenty-five were “prescriptive” regulations that imposed burdens on private-sector activity. Only two major rules decreased regulation. During the President's first term[5] there were 131 prescriptive rules. This compares to 52 such rules imposed during George W. Bush's first term.[6]

Based on agencies' own analyses, more than \$23.5 billion in new annual costs were added last year, which brought Obama's first-term total to \$69.8 billion. In addition, there were \$4.6 billion in one-time implementation costs in 2012, raising the first-term total for one-time implementation costs to nearly \$12 billion.

Only two major rules adopted in 2012 reduced regulatory burdens, providing just \$81 million in savings. For the entire first term, there were only 12 such rules, worth \$857 million in savings—about 1.2 percent of the new costs. Four major regulations, representing \$982 million in costs, also were invalidated by the courts.[7] (Subtracting these amounts from a gross total of \$71.6 billion in new costs leaves the total increase of \$69.8 billion.) This compares to \$15.7 billion during the first four years of the previous Administration.[8]

This flood of new regulation has swelled the federal budget and the government. According to research by the Weidenbaum Center at Washington University in St. Louis and George Washington University's Regulatory Studies Center, federal spending on regulatory agencies increased more than 10 percent in President Obama's first term, from \$46.7 billion in FY 2009 to more than \$51.5 billion in FY 2012 (in constant 2005 dollars).[9] Staff levels grew by 21,654 full-time equivalents (FTEs) in the same period, from 261,961 FTEs to 283,615 FTEs (8 percent).

### Regulations of 2012

Financial regulation dominated rulemaking in 2012, a direct result of the Dodd–Frank financial regulation act. In total, financial services regulators were responsible for 13 of the 25 new major rules issued during

President Obama's fourth year; led by the Commodity Futures Trading Commission (CFTC), with nine; followed by the Securities and Exchange Commission (SEC), with six (two rules were issued jointly by the two agencies).

The newly created Consumer Financial Protection Bureau (CFPB) chipped in its first major rule, imposing restrictions on money transferred electronically from U.S. residents to relatives and friends abroad. Although outside the scope of this report, the CFPB also issued four more major regulations in January and February 2013. Seven other proposed regulations by the CFPB are pending.

The most costly regulation[10] were issued by the Environmental Protection Agency (EPA). Topping the list were new automotive fuel-economy standards, issued jointly by the EPA and the Department of Transportation, which the EPA calculated will cost \$10.8 billion annually. The bulk of this cost will fall on drivers, who will pay an estimated \$1,800 more for a new vehicle.

Coming in a close second was the EPA's so-called Utility MACT regulation[11] at more than \$10 billion annually. This 210-page regulation requires utilities and other electricity generators that use fossil fuels to install the "maximum achievable control technology" (MACT) to limit emissions. So stringent are the standards that potentially dozens of coal-fired power plants will close, thereby undermining the reliability of the power grid and substantially raising the costs of electricity for consumers. The EPA is currently reconsidering the portion of this rule pertaining to new power plants, and has stayed its implementation of the rule for such facilities.

Obamacare is also imposing enormous costs on the private sector. For example, businesses with more than 50 employees must either provide health care or pay a fine to offset an insurance tax credit for workers who purchase their own coverage.[12] Some insurers will be effectively forced to subsidize others at an aggregate cost of \$18 billion annually by 2016.[13] Although the law does not take full effect until 2014, there is already ample evidence of its grave economic consequences. According to the Federal Reserve Board: "Employers in several districts cited the unknown effects of the Affordable Care Act as reasons for planned layoffs and reluctance to hire more staff." [14] Because many of the new rules are structured as administrative requirements for states or the federal government, rather than prescriptive regulation, they are not fully reflected in our regulatory totals. But that does not mean that their impact is insignificant.

Excessive regulation, of course, cannot be blamed on this Administration alone, although the accelerated rate of regulatory expansion in President Obama's first term appears unequaled. Congress ultimately authorizes all rulemaking, either through specific requirements, or through broad authorizations, leaving agencies great discretion to impose requirements. Moreover, a majority of rules adopted in the fourth year were promulgated by so-called independent agencies not subject to direct White House control (although they are managed by presidential appointees).[15] Regardless of responsibility, however, the result is the same: more burdens for Americans and the U.S. economy.

#### Understated Costs

The actual cost of new regulations is no doubt considerably higher than the totals reported by the regulatory agencies and detailed here. As a first matter, this report documents only "major" regulations. No cost-benefit analysis is typically performed for non-major rules, although the costs could be substantial.

In addition, some costs, such as lost innovation or violations of personal liberty, are impossible to quantify. What cost, for instance, should be put on the decision by the Department of Health and Human Service (HHS) to require all insurance plans to cover contraceptive services, regardless of moral convictions?

In all, regulatory agencies failed to provide quantified costs for 10 of the 25 major regulations issued in President Obama's fourth year.

Far too often, the quality of cost analyses by regulatory agencies is substandard—particularly with respect to Dodd–Frank rulemaking. For example, some regulations issued by the Securities and Exchange Commission under the act have been invalidated by the courts because of faulty cost-benefit analyses.

The so-called proxy access rule, adopted by the SEC in August 2010, would have required publicly traded corporations and investment firms to disseminate information—at company expense—about board nominations made by shareholders. Critics argue that such a provision would make it difficult to retain executive talent, while inviting special-interest groups to harass the firm. The SEC claimed that the benefits of the rule would justify its costs.

The U.S. Court of Appeals for the District of Columbia Circuit found otherwise, castigating the SEC's cost analysis as “inconsistently and opportunistically framed” in a manner that constituted “statutory neglect,” adding that “[b]y ducking serious evaluation of the costs that could be imposed upon companies from use of the rule by shareholders representing special interests, particularly union and government pension funds, we think the Commission acted arbitrarily.”[16]

Legal briefs are currently being submitted in another SEC case involving the “conflict minerals” rule, which requires firms to guarantee that its sources for four specific minerals are not fueling conflict in central Africa. The three business groups that filed sui[17] allege that the commission failed to conduct a proper cost-benefit analysis and underestimated the costs of the regulation.

Again, these are not isolated cases. One of the CFTC's own commissioners, Scott O'Malia, excoriated the CFTC last year for its shoddy analyses. In stating his opposition to a major Dodd–Frank regulation on swaps, O'Malia wrote: “I have reached a tipping point and can no longer tolerate the application of such weak standards to analyzing the costs and benefits of our rulemakings.”[18]

Problems are not limited to financial regulators. A recent study by a business group of the EPA's costing for six[19] major regulations identified systemic problems in agency methods.[20] In each instance, the EPA amortized capital expenditures over a period of 30 years to 50 years. But that extended time period distorts the financial burden firms will experience to meet near-term compliance deadlines.

Likewise problematic is the EPA's habit for ignoring the impacts on the supply chain when regulations create a surge in demand for emissions-control technologies and equipment. According to Nam Pham and Daniel Ikenson, the surge “will inevitably increase input prices and the compliance costs well above the EPA's estimates, which are based on current prices in the pollution abatement industry.”[21]

The EPA's penchant for regulation at any cost was laid bare in its analysis of the so-called Utility MACT rule: “We may determine it is necessary to regulate...even if we are uncertain whether [the rule] will address the identified hazards.... We also may find it necessary to regulate...even if we conclude...that the imposition of the other requirements of the [Clean Air Act] will significantly reduce the identified hazard.”[22]

### Skewed Benefits

The Obama Administration has defended the high costs of its regulations by pointing to the projected benefits of the rules. But the total burden of regulation is a concern independent of benefits. Regulatory costs are like federal spending: Even if the benefits of a particular program exceed its costs, it is still important to track how much is being spent.

Moreover, benefit estimates—as calculated by the agencies—need to be considered with skepticism. Neither costs nor benefits can be perfectly quantified. But while regulators have an incentive to minimize the costs of regulations, they have an incentive to inflate their benefits.

The two most expensive regulations of 2012—the EPA's so-called Utility MACT rule for power plants and the EPA's and Department of Transportation's (DOT) automotive fuel-efficiency standards—both have dubious benefit estimates. The new emission standards for power plants, which the EPA estimated will



cost \$10.8 billion annually, have been trumpeted by agency officials as a way to reduce dangerous mercury levels in the air.[23] Benefits were estimated at an eye-popping \$33 billion to \$90 billion. Not mentioned in the EPA's press releases is the fact that virtually all of the asserted benefits—99.993 percent—stem from reductions in airborne “particulate matter” (PM),[24] a pollutant that is already subject to EPA regulations, which the EPA has said are sufficient to protect public health. Moreover, the benefits of additional reductions in particulate matter are speculative, lacking any connection to real-world exposures.[25]

The most costly new rule of 2012, the Corporate Average Fuel Economy (CAFE) standards jointly adopted by the EPA and the DOT's National Highway Traffic Safety Administration (NHTSA), illustrates the growing use of “private benefits,” which represent government mandates usurping consumer decision making, even in the absence of a market failure. In its own analysis, the EPA determined the largest impact of the new rules to be consumers saving money due to buying less gasoline, not improved air quality or reductions in global warming. The EPA claims these private savings outweigh the higher sticker prices consumers will inevitably pay. But consumers do not seem to agree, as shown by their marketplace decisions. After all, if fuel efficiency was such a good deal for consumers, why are regulations needed to force them to buy more fuel-efficient vehicles? Either consumers are wrong or the regulators are wrong. The EPA and NHTSA—at the behest of Congress—have concluded that consumers do not know what is in their own interest. Thus, in this case, as in many others, the rejection of consumer preference is counted as a benefit.

#### In the Pipeline

Hundreds of costly new regulations are also in the works, many of which derive from the Dodd–Frank statute, Obamacare, and the EPA's global warming crusade.

The most recent Unified Agenda—a semi-annual compendium of planned regulatory actions by agencies—lists 2,305 rules (proposed and final) in the pipeline. Of these, 131 are classified as “economically significant.” This is two less than the number pending in the previous agenda (fall 2011), and still high by historical standards. This year's 131 “economically significant” rules represent an increase of 133 percent from the 56 identified in 2001.

An unusually large number of rules are pending at the Office of Information and Regulatory Affairs (OIRA), the Administration's regulatory review office. According to the latest OIRA data, 81 of the 150 regulations awaiting review in mid-March have been pending for more than 90 days, exceeding the maximum time allotted under Executive Order 12866.[26] Another seven were pending for more than 60 days (but fewer than 90 days).

Action on some of the Administration's most ambitious regulations was postponed last year, including more stringent requirements for controlling ozone emissions. As proposed by the EPA, the rule would cost \$90 billion or more annually and, potentially, millions of jobs. However, the President reportedly instructed then-EPA Administrator Lisa Jackson to hold off on the new standards until 2013.[27]

Also on hold were various regulations to control power plant emissions of so-called greenhouse gases that would dramatically increase energy costs, as well as the designation of coal ash as a “hazardous substance”—estimated to cost \$79 billion to \$110 billion and thousands of jobs.

If the delays in rulemaking were the result of more thorough analyses or consideration of regulatory alternatives, that would be good news for the economy and consumers. But there is no indication that the Administration has embraced a newfound skepticism toward red tape. In fact, the regulations are expected to emerge again this year, evidently regarded by the Administration as more advantageous timing.

#### Lack of Transparency

The aggressive rulemaking of President Obama's first term also overlapped with marked erosion in

regulatory transparency and accountability.

The problem is exemplified by the Administration's failure to issue regulatory plans as required by law. In 1980, Congress mandated a regulatory agenda from each agency under the Regulatory Flexibility Act. The statute calls for release every April and October of a description of all rules likely to have a "significant economic impact" on a substantial number of small entities. A series of subsequent executive orders extended agenda requirements to all regulations under development or review by some 60 departments, agencies, and commissions.

President Obama ignored both the April 2012 and October 2012 deadlines, and only released an agenda on December 21, 2012, the Friday before Christmas. But notice of upcoming regulatory actions is an essential tool of government transparency. The agenda enables citizens to participate in the rulemaking process, businesses to plan, and Congress to engage in oversight. The stakes are especially high now because of the hundreds of rules related to Obamacare and the Dodd–Frank financial regulation statute.

The President's neglect of the law contrasts sharply with his promise of an "unprecedented level of openness in government transparency." [28]

Likewise troubling is the Administration's penchant for issuing major rules without providing opportunities for public comment. The problem did not originate with the Obama Administration, of course. According to a recent report by the GAO, 35 percent of major rules and about 44 percent of other rules were issued without soliciting public comment between 2003 and 2010. However, the largest numbers of major rules were issued without comment in 2009 and 2010 (34 in each year), the first two years of the Obama Administration. [29]

#### Steps for Congress

Congress should increase scrutiny of new and existing regulations to ensure that each is necessary, and that costs are minimized, by:

Requiring congressional approval of new major regulations promulgated by agencies. Under the Constitution, Congress is responsible for the rules governing Americans. Regulatory agencies operate only with the authority delegated, and within the limits set by Congress. Typically, agencies are given broad mandates, allowing them discretion as to what to regulate and how to do so. This may sometimes be necessary, but Congress should not be able to evade accountability for the outcome. Requiring Congress to affirmatively approve major new rules, as provided in the proposed Regulations from the Executive in Need of Scrutiny (REINS) Act (H.R. 367, S. 15) would help to ensure a congressional check on regulators, as well as the accountability of Congress itself. [30]

Developing a congressional regulatory analysis capability. In order to responsibly exercise its duties, Congress needs the capability to analyze proposed and existing rules independently, without reliance on the Office of Management and Budget or the regulatory agencies. This could be done through an existing congressional institution, such as the Congressional Budget Office (CBO) or the GAO, or through a new office created by Congress. Such a capability would also help Congress to better evaluate the regulatory consequences of its legislation. This would not require any net increase in staff or budget, but instead could be paid for through reductions in existing regulatory agency expenses, or reprioritizing existing resources in the CBO or GAO.

Establishing a sunset date for federal regulations. While every new regulation promulgated by executive branch agencies undergoes a detailed review, there is no similar process for reviewing the need for regulations already on the books. Old regulations tend to be left in place, even when they are no longer useful. This tendency can be particularly harmful when, as now, there is a flood of new and untested regulations. To ensure that substantive review occurs, regulations should automatically expire if they are not explicitly reaffirmed by the relevant agency through a notice and comment rulemaking. As with any such regulatory decision, this reaffirmation would be subject to review by the courts. Sunset clauses already exist for some new regulations. Regulators, and if necessary, Congress, should make them the

rule, not the exception.

Subjecting “independent” agencies to executive branch regulatory review. Increasingly, rulemaking is being done by so-called independent agencies outside of direct executive branch control. Agencies such as the Federal Communications Commission, the SEC, and the CFPB are not subject to review by OIRA or even required to conduct cost-benefit analyses. This is a serious gap in the regulatory process. These agencies should be fully subject to the safeguards applied to executive branch agencies.

## Conclusion

Despite the weak economy, the Obama Administration continued to increase the regulatory burden on Americans in 2012, adding 25 major regulations that increase regulatory burdens by more than \$23.5 billion annually. From the beginning of the Obama Administration through 2012, a staggering 131 major regulations that increase regulatory burdens have been issued, with costs approaching \$70 billion a year. While the President has acknowledged the need to rein in regulation, little has been done to address the problem. Instead, it is getting worse.

Congress—which shares much of the blame for excessive regulation—must act to ensure that unnecessary and excessively costly regulations are not imposed on the U.S. economy and consumers. Without decisive action, the costs of red tape will continue to grow, and the economy—and average Americans—will be the victims.

—James L. Gattuso is Senior Research Fellow in Regulatory Policy, and Diane Katz is Research Fellow in Regulatory Policy, in the Thomas A. Roe Institute for Economic Policy Studies at The Heritage Foundation.

Sandy Germann

U.S. Environmental Protection Agency

Office of Policy

919-359-1523

919-818-2909 (cell)

**To:** McCarthy, Gina[McCarthy.Gina@epa.gov]; Hooks, Craig[Hooks.Craig@epa.gov]; Froehlich, Maryann[Froehlich.Maryann@epa.gov]; Frank, Joyce[Frank.Joyce@epa.gov]; Giles-AA, Cynthia[Giles-AA.Cynthia@epa.gov]; Jackson, Malcolm[jackson.malcolm@epa.gov]; Mallory, Brenda[Mallory.Brenda@epa.gov]; DePass, Michelle[DePass.Michelle@epa.gov]; Elkins, Arthur[Elkins.Arthur@epa.gov]; Jones, Jim[Jones.Jim@epa.gov]; Kadeli, Lek[Kadeli.Lek@epa.gov]; Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]; Spalding, Curt[Spalding.Curt@epa.gov]; Enck, Judith[Enck.Judith@epa.gov]; Garvin, Shawn[garvin.shawn@epa.gov]; KeyesFleming, Gwen[KeyesFleming.Gwendolyn@epa.gov]; Hedman, Susan[hedman.susan@epa.gov]; Curry, Ron[Curry.Ron@epa.gov]; Brooks, Karl[brooks.karl@epa.gov]; Martin, James[martin.james@epa.gov]; Blumenfeld, Jared[BLUMENFELD.JARED@EPA.GOV]; McLerran, Dennis[mclerran.dennis@epa.gov]  
**Cc:** Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Schaaff, Lesley[Schaaff.Lesley@epa.gov]; Munis, Ken[Munis.Ken@epa.gov]; Pritchard, Eileen[Pritchard.Eileen@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]; DAA[DAA@epa.gov]; Coleman, Sam[Coleman.Sam@epa.gov]  
**From:** Goo, Michael  
**Sent:** Thur 5/2/2013 5:33:55 PM  
**Subject:** Draft May-June 60-day List for Your Review and Comment  
[draft 60 Day List May-June 2013.docx](#)

OP has prepared a draft 60-Day List report for May-June 2013. This document contains brief descriptions and timelines of EPA actions upcoming between now and the end of June. It also contains descriptions and timelines for some priority policy actions regardless of the projected date of their next milestone. Major active IRIS assessments and high-profile NEPA reviews are also included regardless of next milestone date. The report is generated using the Scout database and is intended to be used by you and your immediate office staff.

As before, I'd appreciate your help in finalizing the attached report. In particular, I would like to make sure that:

- (1) all relevant actions/milestones for your office are listed;
- (2) the associated dates are as up-to-date as possible; and
- (3) the associated descriptions are adequate and accurate.

If milestone dates need to be revised, those changes should be made directly in Scout (or in ADP Tracker for tiered actions) by your staff. Suggested changes to the 60-Day List titles and descriptions can be made in Scout by your staff using instruction previously provided them, or can be e-mailed to Lesley Schaaff and Bruce Schillo.

Please make any changes in Scout or provide us with any additional information by COB, Monday, May 6.

If you or your staff have Scout related questions, please contact Bruce Schillo at 564-6552. If you have any other questions, please let me or Bruce Schillo know.

Thanks very much

- Michael

**To:** Kime, Robin[Kime.Robin@epa.gov]; Goo, Michael[Goo.Michael@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]  
**Cc:** Cummings, Evangeline[Cummings.Evangeline@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]  
**From:** Schaaff, Lesley  
**Sent:** Tue 5/7/2013 8:35:47 PM  
**Subject:** Updated Transition High Priority & Issues  
[neartermsummarysheetrevised05072013.docx](#)

Michael and Shannon – Here is the updated version of the High Priority Actions & Issues sheet for your approval. We took off the outdated items and updated some others. Let me know if you want further changes.

Lesley Schaaff

Director, Policy and Regulatory Analysis Division

Office of Policy/Office of the Administrator

202-564-6567

[schaaff.lesley@epa.gov](mailto:schaaff.lesley@epa.gov)

**To:** McCarthy, Gina[McCarthy.Gina@epa.gov]; Hooks, Craig[Hooks.Craig@epa.gov]; Bennett, Barbara[Bennett.Barbara@epa.gov]; Frank, Joyce[Frank.Joyce@epa.gov]; Jones, Jim[Jones.Jim@epa.gov]; Giles-AA, Cynthia[Giles-AA.Cynthia@epa.gov]; Jackson, Malcolm[jackson.malcolm@epa.gov]; Mallory, Brenda[Mallory.Brenda@epa.gov]; DePass, Michelle[DePass.Michelle@epa.gov]; Elkins, Arthur[Elkins.Arthur@epa.gov]; Kadeli, Lek[Kadeli.Lek@epa.gov]; Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]; Spalding, Curt[Spalding.Curt@epa.gov]; Enck, Judith[Enck.Judith@epa.gov]; Garvin, Shawn[garvin.shawn@epa.gov]; KeyesFleming, Gwen[KeyesFleming.Gwendolyn@epa.gov]; Hedman, Susan[hedman.susan@epa.gov]; Curry, Ron[Curry.Ron@epa.gov]; Brooks, Karl[brooks.karl@epa.gov]; Cantor, Howard[cantor.howard@epa.gov]; Blumenfeld, Jared[BLUMENFELD.JARED@EPA.GOV]; McLerran, Dennis[mclerran.dennis@epa.gov]

**Cc:** Perciasepe Bob[Perciasepe.Bob@epamail.epa.gov]; Thompson, Diane[Thompson.Diane@epa.gov]; Monger, Jon[Monger.Jon@epa.gov]; Sussman, Bob[Sussman.Bob@epa.gov]; Imohiosen, Charles[Imohiosen.Charles@epa.gov]; Gilfillan, Brendan[Gilfillan.Brendan@epa.gov]; Ganesan, Arvin[Ganesan.Arvin@epa.gov]; Garcia, Lisa[Garcia.Lisa@epa.gov]; Dietrich, Debbie[Dietrich.Debbie@epa.gov]; Pallone, Sarah[Pallone.Sarah@epa.gov]; Woodka, Janet[Woodka.Janet@epa.gov]; Dickenson, Denise[DICKENSON.DENISE@EPA.GOV]; Kopocis, Ken[Kopocis.Ken@epa.gov]; Foos, Brenda[Foos.Brenda@epa.gov]; Bittleman, Sarah[Bittleman.Sarah@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Schaaff, Lesley[Schaaff.Lesley@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Cummings, Evangeline[Cummings.Evangeline@epa.gov]; Pritchard, Eileen[Pritchard.Eileen@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Geller, Michael[Geller.Michael@epa.gov]; Hanley, Mary[Hanley.Mary@epa.gov]; Martin, KarenL[Martin.KarenL@epa.gov]; Ingram, Amir[Ingram.Amir@epa.gov]; Scozzafava, MichaelE[Scozzafava.MichaelE@epa.gov]; Gaber, Noha[Gaber.Noha@epa.gov]; Dickenson, Denise[DICKENSON.DENISE@EPA.GOV]; DAA[DAA@epa.gov]; Coleman, Sam[Coleman.Sam@epa.gov]

**From:** Goo, Michael

**Sent:** Fri 5/10/2013 3:43:45 PM

**Subject:** Final May-June 60 Day List

[Chron 60 Day List May-June 2013.docx](#)

[60 Day List May-June 2013.docx](#)

Based on your input, attached is a final 60-Day List for May and June 2013. The list, organized by program office and region, contains brief descriptions and timelines of EPA actions upcoming between now and the end of June. Also included are some priority policy actions, which are included without regard to the projected date of their next milestone. Also attached is a shorter, chronological version of this list.

I hope you and your immediate staff find this to be of use. Please feel free to contact me or Alex Cristofaro with any comments or questions.

Thanks

Michael





**To:** McCarthy, Gina[McCarthy.Gina@epa.gov]; Hooks, Craig[Hooks.Craig@epa.gov]; Froehlich, Maryann[Froehlich.Maryann@epa.gov]; Ganesan, Arvin[Ganesan.Arvin@epa.gov]; Giles-AA, Cynthia[Giles-AA.Cynthia@epa.gov]; Jackson, Malcolm[jackson.malcolm@epa.gov]; Mallory, Brenda[Mallory.Brenda@epa.gov]; DePass, Michelle[DePass.Michelle@epa.gov]; Elkins, Arthur[Elkins.Arthur@epa.gov]; Jones, Jim[Jones.Jim@epa.gov]; Kadeli, Lek[Kadeli.Lek@epa.gov]; Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]; Spalding, Curt[Spalding.Curt@epa.gov]; Enck, Judith[Enck.Judith@epa.gov]; Garvin, Shawn[garvin.shawn@epa.gov]; Meiburg, Stan[Meiburg.Stan@epa.gov]; Hedman, Susan[hedman.susan@epa.gov]; Curry, Ron[Curry.Ron@epa.gov]; Brooks, Karl[brooks.karl@epa.gov]; McGrath, Shaun[McGrath.Shaun@epa.gov]; Blumenfeld, Jared[BLUMENFELD.JARED@EPA.GOV]; McLerran, Dennis[mclerran.dennis@epa.gov]  
**Cc:** Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Schaaff, Lesley[Schaaff.Lesley@epa.gov]; Pritchard, Eileen[Pritchard.Eileen@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]; DAA[DAA@epa.gov]; Coleman, Sam[Coleman.Sam@epa.gov]  
**From:** Goo, Michael  
**Sent:** Tue 6/4/2013 5:59:46 PM  
**Subject:** Draft June-July 60-day List for Your Review and Comment  
[draft 60 Day List June-July 2013.docx](#)

OP has prepared a draft 60-Day List report for June-July 2013. This document contains brief descriptions and timelines of EPA actions upcoming between now and the end of July. It also contains descriptions and timelines for some priority policy actions regardless of the projected date of their next milestone. Major active IRIS assessments and high-profile NEPA reviews are also included regardless of next milestone date. The report is generated using the Scout database and is intended to be used you and your immediate office staff.

As before, I'd appreciate your help in finalizing the attached report. In particular, I would like to make sure that:

- (1) all relevant actions/milestones for your office are listed;
- (2) the associated dates are as up-to-date as possible; and
- (3) the associated descriptions are adequate and accurate.

If milestone dates need to be revised, those changes should be made directly in Scout (or in ADP Tracker for tiered actions) by your staff. Suggested changes to the 60-Day List titles and descriptions can be made in Scout by your staff using instruction previously provided them, or can be e-mailed to Lesley Schaaff and Bruce Schillo.

Please make any changes in Scout or provide us with any additional information by COB, Thursday, June 6.

If you or your staff have Scout related questions, please contact Bruce Schillo at 564-6552. If you have any other questions, please let me or Bruce Schillo know.

Thanks very much

- Michael

**From:** Smith, Kelley  
**Sent:** Thur 6/6/2013 10:19:51 PM  
**Subject:** EPA Cabinet Report for the week of June 10  
[Weekly Cabinet Report 6.10.2013 final.docx](#)

Hello All,

The EPA Cabinet Report for the week of June 10 is attached for your review.

Best,

KS

Kelley Smith

Deputy White House Liaison

Environmental Protection Agency

202.564.2308 Desk

202.308.6587 BB

[Smith.Kelley@epa.gov](mailto:Smith.Kelley@epa.gov)

**To:** Goo, Michael[Goo.Michael@epa.gov]  
**Cc:** Kime, Robin[Kime.Robin@epa.gov]  
**From:** Schaaff, Lesley  
**Sent:** Mon 6/10/2013 9:53:22 PM  
**Subject:** FW: Core Agency Management Planning Materials- This Meeting is Tomorrow- Please review and provide comments to Michael when you can  
[bobsussmanprojects.docx](#)  
[Affirmative Agenda Options06042013revised.docx](#)  
[Affirmative Agenda Options06102013revisedunderthemes.docx](#)

Goo – fyi.

Robin – sent you a text on this, but Goo would like the materials he used for the Gina briefing (with his notes) for this meeting tomorrow, as well.

**From:** Schaaff, Lesley  
**Sent:** Monday, June 10, 2013 4:16 PM  
**To:** Kime, Robin; Kenny, Shannon  
**Subject:** RE: Core Agency Management Planning Materials- This Meeting is Tomorrow- Please review and provide comments to Michael when you can

Here are my thoughts:

# Ex. 5 - Deliberative

# Ex. 5 - Deliberative

**From:** Kime, Robin  
**Sent:** Monday, June 10, 2013 3:01 PM  
**To:** Kenny, Shannon; Schaaff, Lesley  
**Subject:** FW: Core Agency Management Planning Materials- This Meeting is Tomorrow- Please review and provide comments to Michael when you can

Apologies for the short notice, these just came in. Thanks for taking a look.

**From:** Kime, Robin  
**Sent:** Monday, June 10, 2013 2:11 PM  
**To:** Kenny, Shannon; Schaaff, Lesley  
**Cc:** Irving, Verna  
**Subject:** Core Agency Management Planning Materials- This Meeting is Tomorrow

**From:** Fritz, Matthew  
**Sent:** Monday, June 10, 2013 12:35:34 PM  
**To:** Garbow, Avi; Acting Administrator; Reynolds, Thomas; KeyesFleming, Gwen; Mccarthy, Gina; Ganesan, Arvin; Vaught, Laura; Bond, Brian; Feldt, Lisa; Goo, Michael; Rupp, Mark; Bittleman, Sarah  
**Cc:** Monger, Jon; Smith, Kelley; Herckis, Arian; Huang, Cindy; Porterfield, Teri; Anderson, Denise; Burley, Veronica; Hill, Teresa; Patrick, Monique  
**Subject:** CAMPs materials

Good afternoon everyone,

I hope you all had a nice weekend.

I hope you are well rested and ready to go to CAMPs – or Core Agency Management Planning session.

# Ex. 5 - Deliberative

In any event, tomorrow is our opportunity to chat. To help with that I have attached a couple of documents:

Agenda for tomorrow

Draft Transition Report

Overarching Themes document

We may be able to share several other documents tomorrow that will be part of the framework going forward. Maybe, most importantly, I have attached a map to our meeting spot or campsite in the building.

Please let me know if you have any questions and I look forward to our chat tomorrow.

Matt

**To:** McCarthy, Gina[McCarthy.Gina@epa.gov]; Hooks, Craig[Hooks.Craig@epa.gov]; Froehlich, Maryann[Froehlich.Maryann@epa.gov]; Frank, Joyce[Frank.Joyce@epa.gov]; Jones, Jim[Jones.Jim@epa.gov]; Giles-AA, Cynthia[Giles-AA.Cynthia@epa.gov]; Jackson, Malcolm[jackson.malcolm@epa.gov]; Mallory, Brenda[Mallory.Brenda@epa.gov]; DePass, Michelle[DePass.Michelle@epa.gov]; Elkins, Arthur[Elkins.Arthur@epa.gov]; Kadeli, Lek[Kadeli.Lek@epa.gov]; Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]; Spalding, Curt[Spalding.Curt@epa.gov]; Enck, Judith[Enck.Judith@epa.gov]; Garvin, Shawn[garvin.shawn@epa.gov]; Meiburg, Stan[Meiburg.Stan@epa.gov]; Hedman, Susan[hedman.susan@epa.gov]; Curry, Ron[Curry.Ron@epa.gov]; Brooks, Karl[brooks.karl@epa.gov]; McGrath, Shaun[McGrath.Shaun@epa.gov]; Blumenfeld, Jared[BLUMENFELD.JARED@EPA.GOV]; McLerran, Dennis[mclerran.dennis@epa.gov]

**Cc:** Perciasepe Bob[perciasepe.bob@epa.gov]; KeyesFleming, Gwen[KeyesFleming.Gwendolyn@epa.gov]; Monger, Jon[Monger.Jon@epa.gov]; Imohiosen, Charles[Imohiosen.Charles@epa.gov]; Ganesan, Arvin[Ganesan.Arvin@epa.gov]; Garcia, Lisa[Garcia.Lisa@epa.gov]; Dietrich, Debbie[Dietrich.Debbie@epa.gov]; Pallone, Sarah[Pallone.Sarah@epa.gov]; Woodka, Janet[Woodka.Janet@epa.gov]; Dickenson, Denise[DICKENSON.DENISE@EPA.GOV]; Kopocis, Ken[Kopocis.Ken@epa.gov]; Foos, Brenda[Foos.Brenda@epa.gov]; Bittleman, Sarah[Bittleman.Sarah@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Schaaff, Lesley[Schaaff.Lesley@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Cummings, Evangeline[Cummings.Evangeline@epa.gov]; Pritchard, Eileen[Pritchard.Eileen@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Geller, Michael[Geller.Michael@epa.gov]; Hanley, Mary[Hanley.Mary@epa.gov]; Martin, KarenL[Martin.KarenL@epa.gov]; Ingram, Amir[Ingram.Amir@epa.gov]; Scozzafava, MichaelE[Scozzafava.MichaelE@epa.gov]; Gaber, Noha[Gaber.Noha@epa.gov]; Dickenson, Denise[DICKENSON.DENISE@EPA.GOV]; DAA[DAA@epa.gov]; DRA[DRA@epa.gov]

**From:** Goo, Michael

**Sent:** Thur 6/13/2013 4:52:11 PM

**Subject:** Final June-July 60 Day List

**Chron 60 Day List June-July 2013.docx**

**60 Day List June-July 2013.docx**

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I hope you and your immediate staff find this to be of use. Please feel free to contact me or Alex Cristofaro with any comments or questions.

Thanks

Michael





**To:** Goo, Michael[Goo.Michael@epa.gov]; Cristofaro, Alexander[Cristofaro.Alexander@epa.gov];  
Schaaff, Lesley[Schaaff.Lesley@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]  
**From:** Rees, Sarah  
**Sent:** Mon 6/17/2013 6:05:49 PM  
**Subject:** Regulations with state impacts materials  
Regulations with State Impacts (June 2013) final.pptx

Hi folks – attached are slides regarding ECOS’ analysis and our analysis of the number of EPA regulations and state impacts. The slides reflect rules that were developed thru 2012. Please let me know if you have any questions on this.

Cheers,

Sarah

Sarah L. Rees, PhD

Policy and Regulatory Analysis Division

Office of the Administrator/Office of Policy

US EPA

(202) 564-0569

**To:** Goo, Michael[Goo.Michael@epa.gov]  
**From:** Clean Energy Report  
**Sent:** Fri 6/21/2013 9:00:57 PM  
**Subject:** Clean Energy Report's Weekly Analysis

To ensure you receive our emails, please add [cer-alerts@iwpnews.com](mailto:cer-alerts@iwpnews.com) to your address book.

## About This Analysis

Clean Energy Report's Weekly Analysis explains the complex interrelationships of the week's top news stories and points you to the most important developments in environment and energy policy. Backed by links to our exclusive articles and documents, the Weekly Analysis offers a fresh take on the essential trends, themes and behind-the-scenes action that are shaping clean-energy policy.

**Having trouble viewing this e-mail?** You can read this analysis online by [clicking here](#).

Obama Climate Plan Faces Key Hurdles . . . Conservatives Push For Carbon Tax . . . Oil Industry Seeks To Reduce EPA Fuel Rules' Cost Impacts . . . Natural Gas Seen As Mid-Term Option To Cut GHGs . . . Utility Industry Touts Ozone Precursor Emission Cuts . . . Corps Spurns Call For Coal Export GHG Analysis . . . Obama Bid To Boost Renewables On Grid Prompts Utilities' Cost Concerns. **More on these and other developments below:**

Climate Change

## Obama Climate Plan Faces Key Hurdles; Conservatives Push For Carbon Tax

President Obama's imminent announcement of a climate change strategy is facing early hurdles over the plan's likely focus on using the Clean Air Act to impose new greenhouse gas (GHG)

Please with a pending Supreme Court case as well as political opposition to the administration have a potential problem. In inquiry, please contact us at [cleanenergy@iwpnews.com](mailto:cleanenergy@iwpnews.com). If you no longer wish to receive these messages, you can change your e-mail settings on [Walla Walla News](#). Expected to the EPA has stated criticism could complicate the administration's path forward on finalizing pending climate new source performance standards (NSPS) for both existing and new power plants. EPA has authority to set such rules under the air law and Congress would not need to pass new legislation to approve the rules.  
**Mailing address:** 1913 South Foothill Street, Suite 201, Arlington, VA 22202  
**Telephone:** 703-416-8500 or 1-800-424-9068

But the Supreme Court is weighing whether to take up a case challenging EPA's use of existing Clean Air Act authorities to regulate GHG emissions. An adverse ruling for the agency could undermine its plan to use the NSPS program to regulate utilities' GHGs.

The plan has also rekindled talk among some conservatives about pushing a carbon tax as an alternative to new rules, though prospects for Congress approving a tax are seen as slim.

Obama's climate strategy, which he could announce as early as next week, will focus on energy efficiency, renewable energy, and Clean Air Act rules, according to remarks by the president's top climate advisor, Heather Zichal during a June 19 climate policy forum in Washington, D.C. The strategy would not require lawmakers to approve legislation or provide new funding, something widely seen as virtually impossible given divisions in the 113th Congress.

In closed-door meetings in recent weeks, Obama has reportedly told donors that he will in July debut major plans to use his executive authority to address climate change, following a pledge in his January inaugural address to use such power on the issue if Congress did not pursue climate legislation. The plan is seen by some as a bid to mitigate opposition to Obama's expected approval of the Keystone XL tar sands pipeline from Canada, which critics say will boost GHGs.

But House Speaker John Boehner (R-OH) and attorneys general (AGs) from 21 states are pushing back on the administration's plan to use its Clean Air Act authority to limit GHGs from existing and newly constructed power plants. At a June 20 press conference, when asked about the president's likely plan to set "aggressive" new rules on power plants, Boehner said, "I think this is absolutely crazy. Why would you want to increase the cost of energy and kill more American jobs at a time when the American people are still asking the question, where are the jobs?"

The group of state AGs meanwhile are urging EPA to fight any attempt by other states and environmentalists to force settlement talks over a potential suit seeking a deadline for the utility GHG rules. Advocates of the policies -- who recently urged EPA to make energy efficiency a compliance option in the NSPS for existing utilities -- are holding off on such litigation until they see details of Obama's plan.

Looming in the background of the administration's pending actions on GHG rules is a forthcoming Supreme Court decision on whether to review an appellate ruling upholding EPA's authority to regulate carbon emissions. Thomas Lorenzen, a former top Department of Justice attorney, says the court's decision will be a close call. He says there are factors that make *Coalition for Responsible Regulation v. EPA*, "a potentially attractive case for the Supreme Court" -- including that the court did not specifically review the effect of granting EPA Clean Air Act authority to regulate motor vehicle GHG emissions on stationary sources in its 2007 *Massachusetts v. EPA* holding that the law allowed the agency to regulate the emissions.

The new debate over future GHG regulations also comes as the National Academies' National Research Council has released a long-awaited study of the federal tax code that finds it currently

has little overall effect on GHG emissions, but the study backs the idea of a carbon tax or similar market mechanisms to directly address climate change.

Conservative backers of a carbon tax are warning fellow conservatives to embrace the idea of a "revenue neutral" tax coupled with regulatory reforms or risk getting steamrolled by what they argue would be more onerous policy proposals on GHGs pushed by "liberals" and EPA.

Related articles:

- [Obama Eyes Key Domestic, International Efforts To Curb Climate Change](#)
- [Boehner, State AGs Resist EPA Using Clean Air Act For Utility GHG Rules](#)
- [EPA Urged To Qualify Efficiency As Existing Utility NSPS Compliance Option](#)
- [As Suit Delayed, Environmentalists Eye Options For Power Plant GHG Rules](#)
- [Former DOJ Attorney Calls High Court Review Of GHG Suit A Close Call](#)
- [Academies' Study Backs Carbon Tax Over Energy Incentives To Curb GHGs](#)
- [Carbon Tax Backers Warn Fellow Conservatives to Engage GHG Debate](#)

Vehicles/Fuels

## Oil Industry Presses EPA To Ease Cost Impacts From Major Fuel Policies

Oil industry officials are pressing EPA to take several steps to lessen the potential adverse economic impacts of major fuel air rules, including an outright waiver of its renewable fuel standard (RFS).

For EPA's proposed "Tier III" fuel air rule, the American Petroleum Institute (API) is seeking data on the agency's planned emissions credit trading system in order to assess whether projected cost savings from allowing refiners to bank and trade credits for cutting gasoline sulfur content ahead of the rule's compliance deadlines may be less than EPA predicts.

The data could heighten API's fears of high costs under the Tier III rule and could give the group another route to challenge the agency's claims that overall compliance will only cause gasoline prices to increase by about a penny per gallon. API has touted estimates by the firm Baker & O'Brien that it says highlight massive costs for refiners under the rule that they will pass on to consumers through gas price increases of up to 9 cents per gallon.

API is also urging EPA to voluntarily initiate a waiver of the RFS due to economic "harm" by citing a new study claiming the RFS is driving up fuel costs, a push that if successful could require EPA to provide long-sought clarity on how to prove "harm" in order to justify a waiver. API's push is limited for now to meetings with EPA and the White House in recent weeks, and the group has yet to decide whether to file a formal Clean Air Act waiver petition.

In California, oil company officials are criticizing newly floated draft alternative compliance options for California's landmark low-carbon fuel standard, saying the proposals to provide potential economic relief to industry under the rule amount mainly to giving the state cash to comply, providing no assurance there will be real carbon emission reductions.

Related Articles:

- [API Seeks To Resolve Cost Uncertainty Over EPA 'Tier III' Sulfur Credits](#)

- [API Pushes EPA To Self-Initiate RFS Waiver By Finding Economic 'Harm'](#)
- [Oil Industry Attacks California Draft LCFS Alternative Compliance Options](#)

Natural Gas

## **Gas Seen As Mid-Term Option To Curb GHGs But Long-Term Doubts Persist**

Energy and climate analysts are pushing for expanded use of natural gas as way to leverage the fuel's greenhouse gas (GHG) benefits relative to coal in the near- and mid-term, but few have begun to identify longer-term GHG controls for the sector that most say are necessary to achieve climate goals. Gas industry officials, however, are resisting calls to strengthen regulation of the sector.

The International Energy Agency (IEA) June 10 issued a report that cautioned without new GHG control policies, the United States may have cut GHG emissions as much as it can through increased use of natural gas and indicated that rising gas prices are making higher-emitting coal more competitive. The IEA report recommends four low-cost policies that the United States and other countries should adopt to curb GHG emissions from the energy sector in the short term.

The policies include increased use of efficiency measures in buildings, industry and transport, whose costs would be more than offset through reduced fuel bills; limiting the construction and use of the least-efficient coal-fired power plants; acting to halve expected releases of methane -- a potent GHG -- from the oil and gas industry; and partially phasing out fossil fuel consumption subsidies.

Similarly, the nonpartisan Center for Climate and Energy Solutions earlier this month issued a report, "Leveraging Natural Gas to Reduce Greenhouse Gas Emissions," that generally encourages increased use of gas in the short- and medium-terms, together with increased use of renewable energy sources and limits on methane emissions that result from increased production and use of gas.

The report, funded in part by the natural gas industry, notes that releases of methane from increased gas production and distribution -- which environmentalists want EPA to regulate -- "have the potential to be a significant climate issue."

Related articles:

- [Gas Seen As Mid-Term Option To Curb GHGs But Long-Term Doubts Persist](#)

Coal

## **Utilities Tout Emission Cuts; Corps Spurns Calls For Coal Export GHG Analysis**

A coal industry group is touting data showing coal-fired utilities in upwind states have made deeper cuts to ozone-forming emissions than industrial and mobile sources, which might suggest a need for the Ozone Transport Commission (OTC) of Eastern states to shift its focus away from utilities as it pursues new air rules designed to curb emissions from upwind states.

Eugene Trisko, an attorney and energy economist who is a consultant for the American Coalition for Clean Coal Electricity (ACCCE), highlighted the long-term pollution trends at OTC's June 13 annual meeting in New Haven, CT. The data show the relative share of total ozone precursor emissions from coal-fired power plants in the Northeast, Midwest and Southeast have dropped from 14.9 percent in 1999 to 7.7 percent in 2011.

The data could bolster continued efforts from the coal sector at past OTC meetings to demonstrate that a large portion of ozone-forming volatile organic compounds and nitrogen oxides come from mobile and others sources, rather than primarily from coal electric generating units.

In another important development for the sector, the Army Corps of Engineers is rejecting demands by environmentalists and some public officials for a comprehensive "area-wide" environmental impact statement (EIS) that reviews the effects of new coal export terminals in the Pacific Northwest and takes into account the global warming impacts from coal combustion abroad.

The comments from the Corps are its first public indication that it intends to pursue neither an area-wide EIS nor an analysis of the greenhouse gas (GHG) impacts from exported coal when evaluating the terminals. Prior Corps statements telegraphed some skepticism about a broad review but also suggested the Corps was at least weighing the notion of an area-wide EIS.

#### Related Articles:

- [Coal Sector Touts Upwind Utilities' Emission Cuts As OTC Eyes New Rules](#)
- [Corps Spurns Calls for Broad Coal Export Analysis Including Global GHGs](#)

#### Renewables

## Obama Bid To Boost Renewables On Grid Prompts Utility Cost Concerns

President Obama's recent memorandum directing the Department of Energy (DOE) and other agencies to better coordinate on power transmission siting and create "energy corridors" to bring more renewable energy onto the electric grid is prompting utility concerns over potentially massive costs and other adverse impacts from the plan.

Energy corridors are federally designated transmission line projects that cut across regions to relieve the problem of congestion, where electricity is constrained because there are not enough facilities to connect the electricity being produced to centers of demand. DOE was given authority under the 2005 energy law to designate corridors, but the authority was broadly contested and the agency's authority was reversed as the result of a legal challenge.

Obama's memo attempts to overcome the previous questions over DOE's authority by establishing energy corridors on federal lands, while also working to eliminate the existing siting and permitting barriers within the government that have delayed vital energy transmission projects, according to industry sources. The memo attempts to try and streamline what is currently an uncoordinated process for approval of the projects, the sources say.

The memo details principles for DOE and other departments on transmission development on

federal lands, directing them to begin forming recommendations on ways to accelerate siting and permitting of new and pending multi-state transmission projects called corridors. It also directs the agencies to collaborate with a federal steering committee on infrastructure permitting, established under a separate executive order, that would include EPA in the corridor planning process.

But Obama's memo is prompting some utility officials to raise cost concerns. One source says the language is reminiscent of a controversial policy memorandum issued last year by then-Secretary of Energy Steven Chu, which directed the the federal power authorities that run the grid in the West to reconfigure the system to accommodate wind and solar resources, ignoring their statutory directive to support hydro power and keep rates low.

The “heavy emphasis on renewables” in Obama's memo is reminiscent of the Chu memo, along with other language including the use of the word “resiliency” and its goal of modernizing the electric grid, according to the source. The language makes “our ears perk up” because of concerns over who pays for the construction of these resources and the use of transmission policy to drive a specific policy goal, the source says.

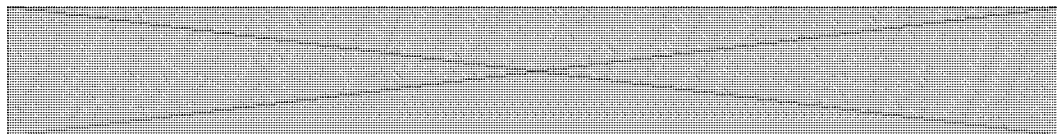
#### Related Articles:

- [Obama Bid To Boost Renewables On Grid Prompts Utilities' Cost Concerns](#)

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**Subject:** June 21 -- Greenwire is ready



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**Greenwire -- Fri., June 21, 2013 -- [Read the full edition](#)**

**1. RENEWABLE ENERGY: Key judge's take on state clean-power mandates sparks heated legal debate**

An influential federal judge splashed fuel last week on an already-raging argument over states' clean energy mandates in a ruling that questioned the constitutionality of Michigan's renewable portfolio standard.

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**2. AIR POLLUTION: Science review prompts concerns about another delay for ozone standard**

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**27. SPAIN: Small solar producers struggle as government slashes subsidies**

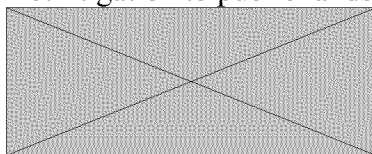
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**To:** Goo, Michael[Goo.Michael@epa.gov]  
**From:** Barron, Alex  
**Sent:** Sun 6/23/2013 9:23:54 PM  
**Subject:** Fw: Comments on EGU GHG NSPS draft reproposal  
GHG EGU NSPS 061213 CleanInterimDRAFT1 -- w Elman comments.docx

I intend to look through these, add in my comments and pass along at staff level. [Ex. 6 - Personal Privacy]  
[Ex. 6 - Personal Privacy] should be able to make some progress tonight.

A

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**From:** Elman, Barry  
**Sent:** Saturday, June 22, 2013 11:54:23 AM  
**To:** Barron, Alex  
**Cc:** Balserak, Paul; Nickerson, William  
**Subject:** Comments on EGU GHG NSPS draft reproposal

Alex,

Per our conversation yesterday evening, here is my detailed redline of the first 250 pages of the package.

[Ex. 5 - Deliberative]  
v [Ex. 5 - Deliberative] Hopefully, this will be helpful to OAR.

I'll forward comments on the tail end of the package by Monday morning.

Barry

**To:** Goo, Michael[Goo.Michael@epa.gov]  
**From:** POLITICO Pro  
**Sent:** Mon 6/24/2013 9:50:35 PM  
**Subject:** Reality check for Obama's climate push: The ticking clock

## Reality check for Obama's climate push: The ticking clock

By Darren Goode  
6/24/13 5:49 PM EDT

The timing of President Barack Obama's long-awaited speech on climate change offers perhaps the first public sign of a White House acknowledging a disquieting reality: Presidencies end.

That might seem a remote worry for a president still in the flush of his second term, less than eight months after winning reelection. But the climate task is monumental enough that it could easily take up the rest of Obama's time in office.

Tuesday's rollout might give Obama just enough time to carry out the biggest environmental effort of his presidency — if he starts now.

Myriad factors, of course, go into timing the launch of any major White House initiative, especially one that has been lingering on the president's punch list since before he took office. (This month marks five years since the [campaign speech](#) in which Obama proclaimed that “this was the moment when the rise of the oceans began to slow and our planet began to heal.”)

Among the complications: The president may be months away from the politically fraught decision on approving the Keystone XL pipeline — probably enraging many of the same climate activists he's now trying to woo. Meanwhile, the Senate is still dithering on confirming Obama's choice for administrator of the EPA, and the U.S. faces a 2015 deadline for agreeing to the next big international climate treaty.

But people following the issue closely — across the political spectrum, from liberal and environmental activists to senior GOP aides — say the major reason for Obama to act now is the sheer length of time it takes to get a major regulation through the EPA's bureaucracy and past the inevitable legal challenges.

The EPA is expected to be at the heart of the strategy Obama outlines Tuesday at Georgetown University, including the agency's first-ever foray into regulating greenhouse gas emissions from the nation's vast fleet of existing power plants.

“If EPA regulations on existing plants are part of the mix as anticipated, that will take a long time — probably years — to put into effect,” said Marc Weiss, a documentary producer who has helped lead the Sierra Club's Obama Climate Legacy project, which is pushing for Obama to act on climate in his second term. “Best to get that started as early in the president's term as possible.”

“You need to get the process started,” said Paul Bledsoe, a senior fellow at the German Marshall

Fund and former Clinton White House aide. “That’s really the bottom line.”

Added Jody Freeman, a former Obama White House attorney who worked in Carol Browner’s climate and energy office: “I think timing is a function of all the other things that are on the administration’s plate (and it’s full!). Doing this speech now is important because it makes a very public commitment and unleashes agencies like EPA and DOE to move forward. The clock is ticking and these regulations take time.”

Both hard-core Keystone opponents and congressional conservatives downplayed the idea of Keystone being a major factor, even though Obama could attempt to salve greens’ outrage over a pipeline approval by imposing tough climate rules ahead of time. Some observers, including the leading scientific journal Nature, have urged the president to pair the two decisions. But the anti-pipeline activists say nothing Obama announces Tuesday would make Keystone acceptable for them.

“I just think it’s apples and oranges and just two totally separate things,” one senior GOP aide said. “That’s all reading tea leaves that don’t exist.”

On the other hand, the EPA rules alone would stir up a political hornet’s nest, especially among supporters of the coal industry, which may be among the hardest hit. Writing the rule on existing power plants would be an especially huge undertaking, since the agency would have to ensure that the regulation could not be easily dismantled by a legal challenge or the next presidential administration.

Before even drafting the rule, the EPA would need to work with industry, environmental and other groups to solicit their input, then it would need to wade through the inevitable flood of public comments before issuing a final rule — with lawsuits by opponents certain to follow.

“The regulatory wheels grind slowly and [Obama] needs to begin now in order to finish it by the end of his term,” said Daniel Weiss, senior fellow and director of climate strategy at the Center for American Progress, a liberal group that’s close to the administration. “And so he really can’t wait much longer for this process to begin.”

The existing-plant rule would represent “the biggest step” to meeting the pledge Obama made 3½ years ago at U.N. climate talks in Copenhagen, where he said the United States would reduce carbon pollution 17 percent below 2005 levels by 2020, said David Doniger, climate policy director at the Natural Resources Defense Council. “It will take much of the president’s second term because there are multiple steps, first to write a federal rule and then to adopt state plans, so it is important to get going right now.”

Obama’s first attempt at a sweeping climate change strategy centered on the cap-and-trade bill that died in the Senate in 2010. Since then, the administration has shown a tendency to drag out major environmental regulations and kick big climate-related actions down the road.

The EPA missed a major deadline in April to roll out relatively simpler and smaller rules for future power plants, which prompted environmental groups and several states to threaten

lawsuits. Those legal threats have been on hold while the groups wait to see what kind of climate agenda Obama lays out.

In September 2011, the White House blindsided the EPA and green groups by postponing new controls for ground-level ozone until after the 2012 election. Soon after, the State Department delayed its Keystone decision, also until after the election.

On the other hand, Obama has acted before to enact landmark greenhouse gas standards for cars and impose controls on toxic air pollution from power plants, both seen as major wins for the green community. But a rule lessening carbon dioxide from existing plants would be their brass ring.

The White House also has to consider the 2016 presidential race: Obama may not want to dump a huge climate regulation in the laps of voters too close to when they go to the ballot box to decide who will be next to occupy the White House.

And then there's Obama's EPA nominee, Gina McCarthy, who is still slogging her way through her confirmation bid in the Senate.

Republicans will be parsing what Obama says — and doesn't say — Tuesday to determine whether McCarthy misled them this spring when she said the EPA was not working on a rule for existing power plants. McCarthy, who has led EPA's air office since the start of Obama's presidency, has faced bruising GOP complaints lately about the agency's regulations and transparency.

Obama may try to provide cover for her by directing the EPA in his speech to begin the rulemaking process. That would underscore the need to get started now — and put the onus on himself, not McCarthy.

McCarthy's supporters still insist she should be fine in the end, even if Obama's speech provokes a new round of questions from Republican lawmakers.

"Those people who are opposed to Gina McCarthy's nomination will remain opposed and those who are going to vote for her nomination, this won't change their view," Weiss said.

One senior Democratic strategist said people tend to overanalyze the administration's thinking, including whether it was wise to roll out the climate agenda with McCarthy's nomination still pending.

"I think everybody knew [the second-term climate agenda] was coming," the strategist said. "It's hard for me to even in all honesty say that they should have waited on this."

*Darren Samuelsohn contributed to this report.*

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**To:** Goo, Michael[Goo.Michael@epa.gov]  
**Cc:** Kime, Robin[Kime.Robin@epa.gov]  
**From:** Barron, Alex  
**Sent:** Tue 6/25/2013 11:03:09 PM  
**Subject:** FW: draft FAR pkg for EGU NSPS  
GHG EGU NSPS 062513 WG DRAFT.docx

This is what is circulating to the workgroup.

**Ex. 5 - Deliberative**

A

**To:** Goo, Michael[Goo.Michael@epa.gov]  
**From:** POLITICO Pro Energy  
**Sent:** Tue 6/25/2013 10:04:39 AM  
**Subject:** Morning Energy, presented by POWERJOBS: Obama to unveil climate agenda today - Experts: May not be enough to avoid effects - How does this affect the midterms? - Markey-Gomez special election today - Macfarlane, OIRA nominee clear committees

By Alex Guillén | 6/25/13 6:02 AM EDT

*With help from Darren Samuelsohn, Talia Buford, Darius Dixon and Andrew Restuccia*

**TODAY'S THE DAY:** President Barack Obama is set to unveil his climate change agenda during a speech around 2 p.m. this afternoon at Georgetown University — and POLITICO has more coverage than a teenager with a lead foot in a Lexus. Here's a rundown of everything you need to know:

**WHAT YOU'LL HEAR:** President Barack Obama's new climate initiative will impose deadlines for EPA to write rules throttling carbon dioxide emissions at U.S. power plants, part of a series of efforts that could hit the coal industry hard both at home and abroad — but also create jobs and spark the economy, the administration says. It features updated versions of the president's first-term emphasis on tightening vehicle emissions standards, fostering the development of "clean coal" technology and offering billions of dollars for green energy, as well as a renewed push to lead international climate talks. It will seek to push solar and wind energy on federal lands and subsidized housing, as well as encourage coal users to switch to natural gas. And it takes aim again at the oil and gas industry tax breaks that Obama has unsuccessfully urged Congress to kill. Darren Goode has a rundown of everything you can expect to hear later today: <http://politico.pro/18d6zFo>

**Reading between the lines:** An action plan out from the White House today contains more good news for those pushing for natural gas exports when it promises to "encourage the development of a global market for gas." The president has personally remarked several times in recent months that the U.S. should sell its natural gas abroad, particularly in areas like Latin America and the Caribbean. The full plan: <http://politico.pro/12fmdf5>

**TOO LITTLE, TOO LATE?** Obama's new climate change agenda may be ambitious, but experts warn it won't be enough to avoid the worst effects of a warming planet. The climate threat is so severe, they say, that the administration must quickly pivot from the steps it's today to tackle other parts of the economy. But that won't be easy: The president is likely to stir plenty of opposition with today's speech alone, as early reaction on the Hill on Monday made clear. Andrew Restuccia has the story: <http://politi.co/14mwtAQ>

**2014 WATCH:** Republicans see the president's announcement as an early gift going into the midterm elections, making a tough map for the other side that much tougher. The planned carbon emissions crackdown could make the president even more of an anchor on Democrats in deep-red states like West Virginia and Kentucky, where Senate candidates will have no choice but to distance themselves from unpopular policies pushed by the national party. James Hohmann has the long look: <http://politi.co/14TOhpm>

**WHY NOW?** That was POLITICO's question to former Interior Secretary Ken Salazar. "The president has always seen the energy and climate change agenda as critical to the future of the American people and the planet," Salazar said. "Under his leadership, the United States has seen real progress on this imperative over the last 4 years. Now, I anticipate he will continue to lead on this matter with additional specific steps using the powers given to him as president."

**WONDER WHAT THEY'LL TALK ABOUT:** Obama will huddle with congressional leaders after he delivers his highly anticipated climate change speech this afternoon. Obama and Vice President Joe Biden are scheduled to meet with Senate Majority Leader Harry Reid, Senate Minority Leader Mitch McConnell, House Speaker John Boehner and House Minority Leader Nancy Pelosi in the Oval Office at 3:35 p.m.

— But McConnell will have already hit the Senate floor earlier this morning to speak about "the president's national energy tax," according to an aide. "While the White House will say this is necessary because Republicans are blocking things, actually, the Democrats won't even bring it to the floor," spokesman Don Stewart wrote in a memo to reporters. "Some might question why the president didn't push Congress to act before the election — or why the Democrat Senate didn't act when they had a filibuster-proof majority."

**PROTEST PLANS:** Although the speech is closed to the public, 350.org is organizing a protest nearby. "We want the president to know that the climate movement is watching this announcement closely and making sure that the administration continues to move forward on climate — so folks in the area are trying to show up to deliver that message in person," Bill McKibben wrote to supporters yesterday.

**MARKET REPORT:** Coal stocks, including Alpha Natural Resource, CONSOL and Peabody Energy, saw big drops in value during trading yesterday. Besides the speech, investors are anxious over yesterday's news that the Supreme Court will review a lower court decision that shot down EPA's Cross-State Air Pollution Rule. Washington Post: <http://wapo.st/17z70KP>

**HAPPY TUESDAY** and welcome to Morning Energy, where yesterday's news that Rusty the escaped red panda was caught in Adams Morgan means he was probably just looking for some skinny jeans. Send your energy news to [aguillen@politico.com](mailto:aguillen@politico.com), and follow on Twitter [@alexcguillen](https://twitter.com/alexcguillen), [@Morning\\_Energy](https://twitter.com/Morning_Energy) and [@POLITICOPro](https://twitter.com/POLITICOPro).

**WHAT THEY'RE SAYING:** Green groups just can't wait to weigh in on the plan, even before it's officially out. Here are some of the statements that ended up in ME's inbox:

Sierra Club Executive Director Michael Brune: "The President's plan gives us hope that he will cement his climate legacy and protect future generations by rejecting the dirty and dangerous Keystone XL pipeline, ending destructive oil drilling in the Arctic, halting mountaintop removal, stopping reckless liquefied natural gas exports, and abandoning dirty fuels in favor of clean energy."

Heritage Foundation analyst Nick Loris: "The danger of President Obama's climate change

speech is that, regardless of the economic burden these policies will inflict upon Americans and regardless of the barely noticeable environmental impact, this Administration is intent on moving forward.”

Center for Climate and Energy Solutions President Eileen Claussen: “In crafting the power plant rules, EPA should consult widely with utilities and with the states, which ultimately must implement them. We strongly encourage EPA to devise a flexible strategy that allows a variety of state-level policies, including market-based approaches, and allows utilities to cut emissions at the lowest possible cost.”

American Wind Energy Association CEO Tom Kiernan : “AWEA supports climate policies to achieve science-based greenhouse gas targets. And since wind energy is the leading solution to power-sector carbon emissions, we’re ready to do our part to help America address global warming, especially in the early years of the climate protection effort when few other solutions are as readily deployable and scalable.”

\*\* A message from POWERJOBS: New positions on our radar this week: **Policy Director**, Institute for 21st Century Energy at U.S. Chamber of Commerce, **Vice President of Development** at Securing America’s Future Energy and **Carbon Storage Principal Manager** at The Global CCS Institute. Apply to these jobs and more at POWERJobs.com; finally, a career site made for YOU! \*\*

**W.H.: SENATE SHOULD STILL CONFIRM McCARTHY:** The White House pushed back yesterday on the notion that today’s speech on climate change is going to torpedo Gina McCarthy’s nomination to head the EPA. “Gina McCarthy is uniquely qualified to lead the EPA. She has decades of experience serving both Republicans and Democrats. And she has a long track record working with industry and business leaders to find common-sense solutions,” press secretary Jay Carney said yesterday. “The Senate should confirm her without delay.”

**MASSACHUSETTS SENATE RACE TODAY:** This may get overshadowed a bit, but today is the special election to fill John Kerry’s old Massachusetts Senate seat. Polls have shown Democrat Ed Markey with a healthy lead, but Republican Gabriel Gomez’s campaign has maintained that they can pull out an upset. The race has been closely watched by climate activists and environmentalists thanks to Markey’s history and position on their issues — and could offer an interesting comparison to today’s other big event. We’ll be tracking, so stay tuned.

**MARKEY WINS ENERGY MONEY RACE:** When it comes to energy money in Tuesday’s special election for the open Massachusetts Senate seat, Markey is winning — by a factor of 76 to 1. Counting both regular campaign contributions by energy executives and PACs, as well as independent expenditures from environmental groups backing the House Democrat’s campaign, Markey has benefited from nearly \$3.1 million in energy cash, according to a POLITICO review of FEC records. Gomez, on the other hand, has gotten relatively few energy sector contributions and no independent expenditures to his benefit from energy groups. His campaign has taken in a little over \$40,000 from energy interests. Your morning host crunched the numbers:

<http://politi.co/1a9Xtdk>

**EPW OKs MACFARLANE:** The Senate Environment and Public Works Committee backed the reconfirmation of NRC Chairwoman Allison Macfarlane on a voice vote last night. Macfarlane's term expires on Sunday, but Senate Majority Leader Harry Reid should be able to shepherd her through the full Senate later this week with little, if any, resistance. Alabama Republican Sen. Jeff Sessions voted "present" on Macfarlane's nomination. Once confirmed this time around, Macfarlane will receive a full five-year term.

**AND OIRA NOMINEE CLEARS COMMITTEE:** The Senate Homeland Security and Governmental Affairs Committee OK'd Howard Shelanski's nomination as administrator of the Office of Information and Regulatory Affairs at the White House budget office by voice vote late yesterday afternoon. The nomination will now go to the full Senate for consideration. He was nominated in April to fill the seat vacated by Cass Sunstein.

**STUDY FINDS HIGHER METHANE IN WELLS NEAR FRACKING:** Drinking-water wells close to fracked shale gas drilling sites were more likely than other water wells to show high levels of methane, according to a new study. The Duke University report, published Monday by the Proceedings of the National Academy of Sciences, found that drinking water wells within a kilometer (0.6 miles) of the natural gas production sites were at a higher risk of being contaminated, a conclusion that was likely to bolster critics of the drilling technology. Talia Buford has the story: <http://politico.pro/14TS7Ps>

**Fun fact:** PNAS released the paper a few hours earlier than planned Monday after the French newspaper Le Monde apparently blew an embargo. More from the website Embargo Watch: <http://bit.ly/130g7Bb>

## **POLL WATCH**

— Georgetown's Climate Center today has the results of a poll, conducted in February, that finds 87 percent of those surveyed said they want EPA to move on regulate greenhouse gas emissions from power plants, while 13 percent said Congress should stop EPA from enforcing such rules. Just over half of those polled said EPA should enact a program giving states flexibility in meeting emission reduction targets, while about a third said EPA itself should regulate emitters. Another takeaway: 59 percent say states should adopt renewable energy mandates of 25 percent by 2025, while 60 percent said the federal government should. Results: <http://bit.ly/11X4Zz1>

— One-third of small business owners polled say they have been personally affected by extreme weather and 57 percent say extreme weather events are an urgent problem, according to a poll out today from the Small Business Majority. The survey also found 40 percent of respondents want the Small Business Administration to track claims related to extreme weather "as a way to increase the amount of aid the government provides small businesses affected by such events"; 21 percent were unsure and 37 percent said it should not track that. More results: <http://bit.ly/14U5LII>

— The Climate Action Campaign has put together a memo reviewing recent polls on public opinion of emissions standards, which generally show public support for such measures: <http://politico.pro/1aa4Uks>

**FUNDRAISER WATCH:** PACs affiliated with the Center for Coastal Conservation, National Marine Manufacturers Association and the Shipbuilders Council of America host an afternoon cruise fundraiser today for Rep. Rob Wittman (R-Va.). Sunlight Foundation:  
<http://bit.ly/14TExLZ>

**MOVERS, SHAKERS:** Tony Jackson is the new communications director for the Theodore Roosevelt Conservation Partnership. He comes from being external affairs director for the Agriculture Department's Farm Service Agency. ... Akin Gump has added Carrie Allen to its energy regulation, markets and enforcement practice. Allen was previously an assistant general counsel at GenOn Energy.

**#PROCHAT TODAY at 1:30 P.M.:** Join Pro health care reporters @KyleDCheney and @JasonMillman as they take to Twitter to talk all things #ACA as the first anniversary of the SCOTUS ruling approaches. Join them on Twitter with the hashtag #ProChat or via [politico.com/ProChat](http://politico.com/ProChat).

**TRIVIA TIME:** POLITICO Pro Trivia Night is back for another round! Pros can join in today, when our Tony Romm and Juana Summers tee up questions on all things policy, politics and D.C. More info: <http://politi.co/19g4VAy> RSVP to [eholman@politico.com](mailto:eholman@politico.com)

## QUICK HITS

— The FTC has opened a formal investigation into "prices of crude oil and petroleum-derived products are set," sources tell Bloomberg: <http://bloom.bg/14lotA7>

— Halliburton and others are adapting spy tech to record sounds below the Earth's surface to predict how underwater wells will perform. Bloomberg: <http://bloom.bg/17yFj4T>

— The Ohio Oil and Gas Commission has upheld an order revoking permits of an injection-well operator whose former head allegedly violated the Clean Water Act. AP:  
<http://buswk.co/19n4WGi>

— Michelle Obama should make getting money from the Land and Water Conservation Fund directed to more conservation issues part of her Let's Move initiative, groups including the American Heart Association and NAACP write: <http://politico.pro/136dz60>

## HAPPENING TODAY

8:30 a.m. — The American Geophysical Union continues its second annual Science Policy Conference. Our own Erica Martinson moderates a panel on the energy-water nexus today. <http://bit.ly/Z8x5pH>. 801 Mt. Vernon Pl. NW

9 a.m. — EPA holds a hearing on state implementation plan requirements for its 2008 National Ambient Air Quality Standards for Ozone. <http://bit.ly/11D1fGH>. 1200 Pennsylvania Ave. NW

10 a.m. — The Senate Appropriations Committee's energy and water panel marks up its FY 2014 approps bill. Dirksen 192.

10 a.m. — The Senate Energy and Natural Resources Committee holds a hearing on forest management on federal lands. <http://1.usa.gov/1c8GmoQ>. Dirksen 366

Noon — The American Gas Association hosts former Sen. Byron Dorgan for its Natural Gas Roundtable. 1135 16th St. NW

2 p.m. — The U.S. Energy Association hosts an event on the cost of carbon capture and storage for fossil fuel power plants. <http://bit.ly/15zRl7b>. 1300 Pennsylvania Ave. NW

2:30 p.m. — ENR holds a hearing on a number of energy efficiency bills, including a state energy "Race to the Top" measure, several building efficiency bills, weatherization legislation and a bill boosting efficiency at schools. <http://1.usa.gov/19196es>. Dirksen 366

3 p.m. — The Senate Appropriations Committee's financial services panel holds a hearing on the Futures Trading Commission and Securities and Exchange Commission's budgets. Dirksen 138

3:30 p.m. — The Center for American Progress hosts a discussion with Interior Secretary Sally Jewell and author Richard Louv on conservation and public lands policy. 1333 H St. NW

4 p.m. — The Electric Drive Transportation Association hosts a teleconference on EV infrastructure expansion and technology advances.

10 a.m. — America's Natural Gas Alliance President and CEO Marty Durbin and Drive Natural Gas Initiative Executive Director Kathryn Clay unveil six dual fuel vehicles that run on natural gas and gasoline at the Alternative Clean Transportation Expo. Walter E. Washington Convention Center

8 a.m. — The American Petroleum Institute continues its 90th Exploration & Production Standards Conference on Oilfield Equipment and Materials. <http://bit.ly/11Thsnr>. Hyatt Regency Washington

**THAT'S ALL FOR ME.** Have a great day.

**\*\* A message from POWERJOBS:** Tap into the power of POWERJOBS for the newest job opportunities in the Washington area from the area's top employers, including **AARP, University of Maryland, Accenture** and **U.S. Chamber of Commerce**. Powered by names you trust — POLITICO, WTOP, WJLA/ABC-TV, NewsChannel 8 and Federal News Radio — POWERJOBS is the ultimate career site with more than **2 million job searches** and nearly **17,000 applications submitted** this year so far. Connect through Facebook or LinkedIn, search jobs by industry and set up job-specific email alerts using [POWERJobs.com](http://POWERJobs.com), the site for Washington's top talent. **\*\***

**Stories from POLITICO Pro**



Obama to unveil sweeping climate plan

Fracking study links drilling to methane in water wells

## **Obama to unveil sweeping climate plan back**

By Darren Goode | 6/25/13 6:00 AM EDT

President Barack Obama's new climate initiative will impose deadlines for EPA to write rules throttling carbon dioxide emissions at U.S. power plants, part of a series of efforts that could hit the coal industry hard both at home and abroad — but also create jobs and spark the economy, the administration says.

Tuesday's long-awaited rollout at Georgetown University will lay out a three-part strategy to lessen U.S. greenhouse gas emissions, help lead international climate talks and protect the U.S. from the effects of climate change.

The plan is a blend of new and old.

It features updated versions of the president's first-term emphasis on tightening vehicle emissions standards, fostering the development of "clean coal" technology and offering billions of dollars for green energy, as well as a renewed push to lead international climate talks. It will seek to push solar and wind energy on federal lands and subsidized housing, as well as encourage coal users to switch to natural gas. And it takes aim again at the oil and gas industry tax breaks that Obama has unsuccessfully urged Congress to kill.

The administration is nonetheless hoping for support from industry, something it succeeded in attracting for Obama's first-term deal that dramatically tightened fuel efficiency limits for cars.

The plan says the White House aims to "encourage the development of a global market" for natural gas, as well as "continue to promote the safe and secure use of nuclear power worldwide."

And the White House is doubling down on the president's past green-jobs rhetoric, saying that "these steps will also spark the sort of innovation that drives economic growth and creates good-paying jobs that can't be shipped overseas; help modernize our power plants by equipping them with the latest technology ... and move our economy towards cleaner, more efficient forms of energy that will cut our reliance on foreign oil."

But by including efforts to help states and cities gird their roads, bridges, and shorelines against rising seas and other effects of climate change, the administration is making a tacit acknowledgment that it's too late to prevent the damage altogether.

Even before Obama had a chance to give his speech, the president was drawing praise from

environmental groups but also complaints from some members of Congress that he was acting rashly — or too late.

“You can’t do something that is unattainable,” Democratic Sen. Joe Manchin, from coal-friendly West Virginia, told POLITICO on Monday. “It’s unreasonable. What they’re doing has never been done.”

But Sen. Bernie Sanders (I-Vt.) offered the opposite perspective when asked if this was a speech Obama should have given early in his first term. “If you’re asking me is he a little bit late in this, the answer is yes,” Sanders said.

The White House sought to heighten the historic import of the speech by noting it will take place on the steps of the university’s Old North building, where past presidential visitors included George Washington and Abraham Lincoln. But the centerpiece of Obama’s effort will be thoroughly modern: long-expected Environmental Protection Agency regulations targeting both new and existing power plants, which would have an especially big impact on those burning coal.

Obama will issue a presidential memorandum “directing the EPA to start the important work” of regulating carbon emissions from both new and existing coal plants, a senior administration official told reporters Monday. The more important of those two is the existing-plant rule, both because it could require costly retrofits and because those plants are the largest source of carbon dioxide emissions in the U.S., at around 40 percent.

Obama’s memo will specifically direct EPA to issue a draft rule for existing plants by next June, finish a rule by June 2015 and then work with states to implement the rule.

He will also direct EPA to propose a new rule for future power plants by September, a White House official said.

EPA had already proposed a draft rule for future plants but missed an April deadline for finishing it, prompting several states and cities to threaten lawsuits. The delay provoked speculation that the agency would make major changes in the rule, perhaps relaxing some features in hopes of protecting it from court challenges.

The administration says it intends to reach out to affected parties as it writes the power plant rules, especially the one for existing plants. That means it won’t be a simple process.

“The point here is that we are beginning a process and that process will involve a very aggressive set of stakeholder conversations” with states, utilities, labor unions, the administration official said. That process “will allow us to develop a rule that provided common-sense rules of the road, that does have industry support” and would provide a “common-sense, timely transition to a new energy economy,” the official said.

The timeline reflects the reality that administration officials will need to not just get through the initial regulatory hurdles but to also shore up the rules against legal scrutiny.

“We knew that we have to get to work quickly not only to propose but ultimately to finalize a rule,” the administration official said.

Another senior official said the administration will take state efforts on reducing carbon into account, granting them flexibility and using a “wide range of energy sources and technologies.”

On the global front, Obama will call for an end to U.S. government support for public financing of new coal plants overseas unless they include technologies to capture and store their carbon emissions. That could be a blow to U.S. coal producers that have increasingly looked to exports as a source of revenue.

Exceptions would be made to the “poorest nations where no other alternative exists,” a senior administration official said.

None of Obama’s plan involves help from a divided Congress.

“All the core components of the plan you have heard today rely solely on existing authority,” the senior administration official said.

Obama won’t mention his upcoming decision on the Keystone XL oil pipeline, which climate activists say will also be instrumental in determining his legacy. Referencing the review of Keystone still underway at the State Department, an administration official said, “The bottom line is this proposal is not ready for a decision.”

Besides the EPA action on power plants, the administration will also:

- Create a “comprehensive strategy” to reduce other greenhouse gases — including hydrofluorocarbons used in refrigerators and air conditioners, and methane from sources like agriculture and natural gas production — and to protect forests and other critical landscapes. Obama and Chinese President Xi Jinping earlier this month agreed to work to reduce HFCs under the umbrella of the Montreal Protocol treaty, which was created to repair the ozone layer.
- Announce a goal of approving another 10,000 megawatts of renewable energy on public lands by 2020, matching a goal met during Obama’s first term. And federal agencies will aim to reach 100 megawatts of installed renewable capacity in federally subsidized housing by 2020.
- Announce \$8 billion in new loan authority for “advanced fossil energy technologies” and direct EPA and the Transportation Department to work on setting the next round of post-model-year 2018 fuel efficiency standards for heavy-duty vehicles. The administration finalized standards for model years 2014 through 2018 in his first term.
- Look to issue held-up energy efficiency standards for appliances and federal buildings.

- “Work actively to secure agreements” of other countries and multinational development banks to set lower tariffs and reduce other market barriers for the free trade of environmental goods and services. The goal is to go beyond the 54 environmental goods the U.S. and the Asia-Pacific Economic Cooperation have agreed to help.

Obama will also tell federal agencies to ensure that new roads and buildings constructed with taxpayer dollars are built to withstand flood and sea-level risks associated with climate change. The administration will also use technical assistance, grants and other means to help states and local communities “to be built stronger and smarter,” an administration official said.

That includes issuing “climate preparedness tools” and making “extensive” climate data accessible to the public.

*Darren Samuelsohn and Erica Martinson contributed to this story.*[back](#)

## **Fracking study links drilling to methane in water wells** [back](#)

By Talia Buford | 6/24/13 6:59 PM EDT

Drinking-water wells close to fracked shale gas drilling sites were more likely than other water wells to show high levels of methane, according to a new study.

The [Duke University report](#), published Monday by the Proceedings of the National Academy of Sciences, found that drinking water wells within a kilometer (0.6 miles) of the natural gas production sites were at a higher risk of being contaminated, a conclusion that was likely to bolster critics of the drilling technology.

Those critics of hydraulic fracturing have contended the process can lead to migration of methane into water sources, sometimes reaching dangerous levels that even allow water to be lit on fire. But industry supporters have said the methane has long been present in those areas, and they cite historical records of bubbling springs and flammable water.

The Duke researchers analyzed 141 drinking water samples from private wells in six counties across the Marcellus shale basin in Pennsylvania and Otsego County in New York and found that methane concentrations were six times higher and ethane concentrations 23 times higher at homes within a kilometer of a shale gas site.

Based on the composition of the gas found in the water sources, researchers proposed that the contamination came from drilling operations that suffered from poor well construction, either from faulty or inadequate steel casings, or gaps between the well casing and rock walls of the well.

Two previous Duke studies connected methane contamination in water wells to nearby shale gas drilling sites, and looked at potential connections between “deep brines and shallow aquifers.” None of the studies looked at potential contamination caused by fracking fluids.

The report isn't without detractors.

Steve Everley of the industry-backed Energy in Depth, deconstructs the findings of the report, pointing to a lack of baseline data, contradictions with USGS data on methane concentrations, and issues surrounding how the samples were selected.

The USGS report, which was released last week, found that the methane in at least two of 20 tested wells in Sullivan County, Pa., was naturally occurring, while seven wells in total contained some traces of methane.

"In the end, researchers found methane in virtually every water well they sampled, irrespective of proximity to a natural gas well," Everley wrote. "... And not for nothing, there's still no evidence of hydraulic fracturing fluids migrating from depth to contaminate aquifers. On that point, at least we're happy to agree with them."

Robert Jackson, a professor of environmental sciences at Duke's Nicholas School of the Environment, said the researchers don't deny the USGS findings in Sullivan County, and noted that the data and confirms historical reports of methane in local water sources, Jackson said.

"We think it's real and it's probably naturally occurring methane and analogous to historical reports of people being able to light their water on fire 50 years ago," he said.

But the difference is in the quality of the water. The Sullivan County sample was high in other things, such as salt and metals. The question, Jackson said, is why are researchers finding similar concentrations of methane in good-quality water that doesn't include these other contaminants.

In Monday's report, the researchers suggested that more extensive pre-drilling data would be helpful for future research, and that a set of detailed case studies of "water-quality measurements taken before, during and after drilling and hydraulic fracturing," is necessary.

"Ultimately," the researchers wrote, "we need to understand why, in some cases, shale gas extraction contaminates groundwater and how to keep it from happening elsewhere."

The researchers plan to expand their data set to include tests in New York, the Barnett shale in Texas and portions of the Marcellus shale that stretch into West Virginia. Jackson said he expects the results of those samples to be published within the next six months to a year.

"We're just interested in understanding the differences between why there is contamination in some areas and not in others," he said. "Is it the geology? The people doing the drilling? Or something else? We want to make things better and improve the track record of shale gas. We want to make things better and help solve these problems."back

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**To:** Goo, Michael[Goo.Michael@epa.gov]  
**From:** POLITICO Pro  
**Sent:** Tue 6/25/2013 10:02:03 AM  
**Subject:** Obama to unveil sweeping climate plan

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By Darren Goode  
6/25/13 6:00 AM EDT

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*Darren Samuelsohn and Erica Martinson contributed to this story.*

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**From:** Smith, Kelley  
**Sent:** Thur 6/27/2013 4:55:42 PM  
**Subject:** Weekly Cabinet Report 7.1 and 8.2013 FINAL.docx  
[Weekly Cabinet Report 7.1 and 8.2013 FINAL.docx](#)

Hello All,

The Final Draft of the Cabinet Report covering the weeks of July 1 and July 8 is attached for your review.

Best,

KS

**To:** McCarthy, Gina[McCarthy.Gina@epa.gov]; Hooks, Craig[Hooks.Craig@epa.gov]; Froehlich, Maryann[Froehlich.Maryann@epa.gov]; Ganesan, Arvin[Ganesan.Arvin@epa.gov]; Giles-AA, Cynthia[Giles-AA.Cynthia@epa.gov]; Wynn, Renee[Wynn.Renee@epa.gov]; Mallory, Brenda[Mallory.Brenda@epa.gov]; DePass, Michelle[DePass.Michelle@epa.gov]; Elkins, Arthur[Elkins.Arthur@epa.gov]; Jones, Jim[Jones.Jim@epa.gov]; Kadeli, Lek[Kadeli.Lek@epa.gov]; Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]; Spalding, Curt[Spalding.Curt@epa.gov]; Enck, Judith[Enck.Judith@epa.gov]; Garvin, Shawn[garvin.shawn@epa.gov]; Meiburg, Stan[Meiburg.Stan@epa.gov]; Hedman, Susan[hedman.susan@epa.gov]; Curry, Ron[Curry.Ron@epa.gov]; Brooks, Karl[brooks.karl@epa.gov]; McGrath, Shaun[McGrath.Shaun@epa.gov]; Blumenfeld, Jared[BLUMENFELD.JARED@EPA.GOV]; McLerran, Dennis[mclerran.dennis@epa.gov]  
**Cc:** Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Schaaff, Lesley[Schaaff.Lesley@epa.gov]; Pritchard, Eileen[Pritchard.Eileen@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]; DAA[DAA@epa.gov]; DRA[DRA@epa.gov]  
**From:** Goo, Michael  
**Sent:** Fri 6/28/2013 11:53:50 AM  
**Subject:** Draft July-August 60-day List for Your Review and Comment  
[draft 60 Day List July-August 2013.docx](#)

OP has prepared a draft 60-Day List report for July-August 2013. This document contains brief descriptions and timelines of EPA actions upcoming between now and the end of August. It also contains descriptions and timelines for some priority policy actions regardless of the projected date of their next milestone. Major active IRIS assessments and high-profile NEPA reviews are also included regardless of next milestone date. The report is generated using the Scout database and is intended to be used you and your immediate office staff.

As before, I'd appreciate your help in finalizing the attached report. In particular, I would like to make sure that:

- (1) all relevant actions/milestones for your office are listed;
- (2) the associated dates are as up-to-date as possible; and
- (3) the associated descriptions are adequate and accurate.

If milestone dates need to be revised, those changes should be made directly in Scout (or in ADP Tracker for tiered actions) by your staff. Suggested changes to the 60-Day List titles and descriptions can be made in Scout by your staff using instruction previously provided them, or can be e-mailed to Lesley Schaaff and Bruce Schillo.

Please make any changes in Scout or provide us with any additional information by COB, Wednesday, July 3.

If you or your staff have Scout related questions, please contact Bruce Schillo at 564-6552. If you have any other questions, please let me or Bruce Schillo know.

Thanks very much

- Michael

**To:** Stoner, Nancy[Stoner.Nancy@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]; Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]; Goo, Michael[Goo.Michael@epa.gov]; Gilinsky, Ellen[Gilinsky.Ellen@epa.gov]; Garbow, Avi[Garbow.Avi@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Feldt, Lisa[Feldt.Lisa@epa.gov]  
**Cc:** Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]; Matuszko, Jan[Matuszko.Jan@epa.gov]; Jordan, Ronald[Jordan.Ronald@epa.gov]; Levine, MaryEllen[levine.maryellen@epa.gov]; Celeste, Laurel[celeste.laurel@epa.gov]; Zipf, Lynn[Zipf.Lynn@epa.gov]; Straus, Matt[Straus.Matt@epa.gov]; Rudzinski, Suzanne[rudzinski.suzanne@epa.gov]; Devlin, Betsy[Devlin.Betsy@epa.gov]; Hall, Jessica[Hall.Jessica@epa.gov]  
**From:** Wood, Robert  
**Sent:** Tue 7/2/2013 12:13:35 PM  
**Subject:** Options for ELG CCR Final Rulemaking Schedules - DELIBERATIVE  
Options for ELG CCR FRM Schedules DRAFT 070113 pm CLEAN.docx

All,

Following up from our meeting last week, attached for your review and discussion is a short paper

Ex. 5 - Deliberative

## Ex. 5 - Deliberative

Rob

---

Robert Wood

Director

Engineering and Analysis Division

Office of Water

202-566-1822

**To:** Stoner, Nancy[Stoner.Nancy@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]; Gilinsky, Ellen[Gilinsky.Ellen@epa.gov]; Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]; Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]; Feldt, Lisa[Feldt.Lisa@epa.gov]; Goo, Michael[Goo.Michael@epa.gov]; Garbow, Avi[Garbow.Avi@epa.gov]; Johnson, Barnes[Johnson.Barnes@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Levine, MaryEllen[levine.maryellen@epa.gov]; Hall, Jessica[Hall.Jessica@epa.gov]; Celeste, Laurel[celeste.laurel@epa.gov]; Matuszko, Jan[Matuszko.Jan@epa.gov]; Jordan, Ronald[Jordan.Ronald@epa.gov]; Straus, Matt[Straus.Matt@epa.gov]; Devlin, Betsy[Devlin.Betsy@epa.gov]; Huff, Mark J[huff.markj@epa.gov]  
**Cc:** Brooks, Becky[Brooks.Becky@epa.gov]; Penman, Crystal[Penman.Crystal@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Scozzafava, MichaelE[Scozzafava.MichaelE@epa.gov]; Poole, Jacqueline[Poole.Jacqueline@epa.gov]; Bergman, Shawna[Bergman.Shawna@epa.gov]; Torres, Nelida[Torres.Nelida@epa.gov]; Magruder, DeMara[Magruder.Demara@epa.gov]  
**From:** Wood, Robert  
**Sent:** Mon 7/8/2013 5:46:29 PM  
**Subject:** RE: Meeting on Options for ELG/CCR Final Rulemaking Schedules  
BobP meeting July 8 2013(final).docx

Hi Everybody,

Attached is the briefing paper for today's 3:15 PM meeting with the Deputy Administrator. We will bring copies.

---

Robert Wood  
Director  
Engineering and Analysis Division  
Office of Water  
202-566-1822

-----Original Appointment-----

**From:** Acting Administrator  
**Sent:** Tuesday, July 02, 2013 12:20 PM  
**To:** Acting Administrator; Stoner, Nancy; Kopocis, Ken; Gilinsky, Ellen; Southerland, Elizabeth; Wood, Robert; Stanislaus, Mathy; Feldt, Lisa; Rudzinski, Suzanne; Goo, Michael; Garbow, Avi; Penman, Crystal; Torres, Nelida; Bergman, Shawna; Poole, Jacqueline; Kime, Robin  
**Cc:** Johnson, Barnes; Brooks, Becky  
**Subject:** Meeting on Options for ELG/CCR Final Rulemaking Schedules  
**When:** Monday, July 08, 2013 3:15 PM-4:00 PM (GMT-05:00) Eastern Time (US & Canada).  
**Where:** ARN 3412

SCt: Ryan Robison  
Ct: Mike Scozzafava - 202-566-1376

Nancy Stoner, Ken Kopocis, Ellen Gilinsky, Elizabeth Southerland, Robert Wood (OW)  
Mathy Stanislaus, Lisa Feldt, Suzanne Rudzinski (OSWER)  
Michael Goo (OP)

Avi Garbow (OGC)



**To:** McCarthy, Gina[McCarthy.Gina@epa.gov]; Hooks, Craig[Hooks.Craig@epa.gov]; Froehlich, Maryann[Froehlich.Maryann@epa.gov]; Frank, Joyce[Frank.Joyce@epa.gov]; Jones, Jim[Jones.Jim@epa.gov]; Giles-AA, Cynthia[Giles-AA.Cynthia@epa.gov]; Jackson, Malcolm[jackson.malcolm@epa.gov]; Mallory, Brenda[Mallory.Brenda@epa.gov]; DePass, Michelle[DePass.Michelle@epa.gov]; Elkins, Arthur[Elkins.Arthur@epa.gov]; Kadeli, Lek[Kadeli.Lek@epa.gov]; Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]; Spalding, Curt[Spalding.Curt@epa.gov]; Enck, Judith[Enck.Judith@epa.gov]; Garvin, Shawn[garvin.shawn@epa.gov]; Meiburg, Stan[Meiburg.Stan@epa.gov]; Hedman, Susan[hedman.susan@epa.gov]; Curry, Ron[Curry.Ron@epa.gov]; Brooks, Karl[brooks.karl@epa.gov]; McGrath, Shaun[McGrath.Shaun@epa.gov]; Blumenfeld, Jared[BLUMENFELD.JARED@EPA.GOV]; McLerran, Dennis[mclerran.dennis@epa.gov]

**Cc:** Perciasepe Bob[perciasepe.bob@epa.gov]; KeyesFleming, Gwen[KeyesFleming.Gwendolyn@epa.gov]; Monger, Jon[Monger.Jon@epa.gov]; Imohiosen, Charles[Imohiosen.Charles@epa.gov]; Ganesan, Arvin[Ganesan.Arvin@epa.gov]; Garcia, Lisa[Garcia.Lisa@epa.gov]; Dietrich, Debbie[Dietrich.Debbie@epa.gov]; Pallone, Sarah[Pallone.Sarah@epa.gov]; Woodka, Janet[Woodka.Janet@epa.gov]; Dickenson, Denise[DICKENSON.DENISE@EPA.GOV]; Kopocis, Ken[Kopocis.Ken@epa.gov]; Foos, Brenda[Foos.Brenda@epa.gov]; Bittleman, Sarah[Bittleman.Sarah@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Schaafl, Lesley[Schaafl.Lesley@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Cummings, Evangeline[Cummings.Evangeline@epa.gov]; Pritchard, Eileen[Pritchard.Eileen@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Geller, Michael[Geller.Michael@epa.gov]; Hanley, Mary[Hanley.Mary@epa.gov]; Martin, KarenL[Martin.KarenL@epa.gov]; Ingram, Amir[Ingram.Amir@epa.gov]; Scozzafava, MichaelE[Scozzafava.MichaelE@epa.gov]; Gaber, Noha[Gaber.Noha@epa.gov]; Dickenson, Denise[DICKENSON.DENISE@EPA.GOV]; DAA[DAA@epa.gov]; DRA[DRA@epa.gov]

**From:** Goo, Michael

**Sent:** Mon 7/8/2013 4:28:49 PM

**Subject:** Final July-August 60 Day List  
[60 Day List July-August 2013.docx](#)  
[Chron 60 Day List July-August 2013.docx](#)

Based on your input, attached is a final 60-Day List for July and August 2013. The list, organized by program office and region, contains brief descriptions and timelines of EPA actions upcoming between now and the end of August. Also included are some priority policy actions, which are included without regard to the projected date of their next milestone. Also attached is a shorter, chronological version of this list.

I hope you and your immediate staff find this to be of use. Please feel free to contact me or Alex Cristofaro with any comments or questions.

Thanks

Michael



**To:** Goo, Michael[Goo.Michael@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; McGartland, Al[McGartland.Al@epa.gov]; Connors, Sandra[Connors.Sandra@epa.gov]; Frece, John[Frece.John@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Owens, Nicole[Owens.Nicole@epa.gov]; Delp, Robert[Delp.Robert@epa.gov]; Kemery, Dale[Kemery.Dale@epa.gov]; Muellerleile, Caryn[Muellerleile.Caryn@epa.gov]  
**From:** Germann, Sandy  
**Sent:** Tue 7/9/2013 11:42:04 AM  
**Subject:** White House outlines path for power plant rules, other environmental actions

Along with outlining priorities, Greenwire article notes only 1 agenda was published last year – references Johanns legislation that would fine EPA for future delays.

### **White House outlines path for power plant rules, other environmental actions**

Outlet Full Name: Greenwire

News Text: U.S. EPA plans to make good on the president's pledge to expedite regulations for new and existing power plant greenhouse gas emissions, according to a regulatory rundown released by the White House late last week.

The "Spring 2013 Unified Agenda" posted on the White House's website shows that the agency plans to release a new proposal for greenhouse gas emissions for future power plants by September and a first-time proposal for existing power plants by next June. That timeline tracks with the memorandum signed by President Obama on July 25, which formed the centerpiece of his Climate Action Plan.

The agenda also lays the path for a number of expected clean air and chemical regulations, including limits on ozone pollution, limits on sulfur in gasoline and regulation of oil and gas drilling in the Arctic.

EPA sent the future power plant proposal to the White House for interagency review last week. The White House has said the existing source standard will be the product of extensive consultations with stakeholders including utilities, labor and the states -- a process that observers say is likely to begin after Labor Day.

The memorandum calls for the existing power plant rule to become final by June 2015, but the regulatory agenda does not specify a date. It does call for EPA to release a final rule next month making a change to the Hazardous Waste Management System to allow for carbon sequestration.

The administration is required to publish a rundown of intended regulatory actions twice a year in the Federal Register under the Regulatory Flexibility Act of 1980.

Republicans have long complained that the White House has failed to deliver the agendas -- typically due in April and October -- on time. In 2012, the only document was published in December, prompting claims from House Oversight and Government Reform Chairman Darrell Issa (R-Calif.) that the administration "broke the law ... and broke the president's promise to be transparent" (E&E Daily, Dec. 28, 2012).

Sen. Mike Johanns (R-Neb.) proposed legislation that would fine EPA \$20,000 a week for missing deadlines in its regulatory agenda-setting (Greenwire, Feb. 13).

James Goodwin, a senior policy analyst for the Center for Progressive Reform, said today that while he was happy to see the White House release an agenda reinforcing the president's promises, it wasn't enough to reassure him that the rules would move forward in a timely manner.

"Frankly, these rules have been delayed again and again and again," Goodwin said. He noted that EPA previously committed to craft greenhouse gas rules for both new and existing power plants under the terms of a 2010 settlement agreement with states and environmental groups and has blown past deadlines to complete work on both.

"It's nice to see these words on the paper all line up," Goodwin said. "But I'm not going to be happy until I see actual action."

The agenda also offers a series of long-term actions the agency plans to undertake after this year. But while EPA has committed to eventually craft rules for the petroleum refining sector under the terms of another settlement agreement, the regulatory road map does not indicate that those are on the horizon.

Republicans in the House are already moving to head off these and other environmental regulations, which they say would have disastrous economic effects.

House GOP leaders have said they will hold a vote before the August recess on a bill by Rep. Bill Cassidy (R-La.) that would make the Department of Energy responsible for vetting any new energy-related EPA regulations for economic cost. Rules deemed too costly could not be promulgated.

The House Energy and Commerce Committee will vote on the bill Wednesday (E&E Daily, July 8).

According to the agenda, EPA is still planning to review national ambient air quality standards for ozone pollution, although it's listed a long-term action with no firm date. EPA said last month that it is still conducting analytical work on the rule, which would likely put it on track to issue a proposal in late 2014 (Greenwire, June 21).

Frank O'Donnell, president of Clean Air Watch, said the listing likely meant that EPA won't deal with the ozone rule -- already quashed once by the White House -- "until a court orders them to do so."

The Tier 3 rule, which would slash the amount of sulfur in gasoline, is also listed as being finalized in December 2013. Environmentalists have urged EPA to ensure that it doesn't slip past the end of the year and thus miss a model year of cars starting in 2017.

And a rule that would restrict formaldehyde emissions from wood products, including plywood and fiberboard, is listed as being completed in July 2014, despite a bill that required EPA to finalize the rule before the end of 2012. The standards -- proposed at the end of May -- would align the United States with California on limits for how much formaldehyde can be released from composite wood products sold or manufactured in the United States.

Also on tap: revisions to lead renovation rules, regulations on refrigerants used in automobile air conditioners, air quality designations for sulfur dioxide pollution and additions to EPA's chemicals of concern list, due in October.

The agenda's listing of a long-awaited stormwater rule as a long-term action came as yet another signal to stakeholders that the regulation has stalled at the agency.

The rule, which environmentalists say is critical to cleaning up polluted waterways, is expected to set first-ever national requirements for private property owners to curb stormwater runoff. But industry groups say it could be one of the most expensive regulations ever promulgated by EPA (Greenwire, July 5).

Under a 2010 settlement with the Chesapeake Bay Foundation, EPA was supposed to propose the rule in September 2011, but the agency received multiple deadline extensions. Frustrated with the lack of progress, the foundation last month moved to reopen the lawsuit if it cannot reach an agreement with the agency on a timeline for releasing the regulation (Greenwire, June 18).

Arctic drilling among new Interior regs

The White House agenda also notes several significant rulemaking efforts at the Interior Department, including new regulations for oil and gas drilling in the Arctic and for the flaring and venting of methane, a potent greenhouse gas, from oil and gas wells on public lands.

Making its first appearance on the regulatory agenda is a proposed rule from the Bureau of Ocean Energy Management that would codify regulations for drilling in the oil-rich Arctic Ocean, where at least three major energy firms are pursuing exploration.

Former Interior Deputy Secretary David Hayes in May said those regulations will mirror the voluntary steps Royal Dutch Shell PLC agreed to take during its 2012 Arctic exploration season, which included an oil spill containment plan and the ability to drill a relief well, among other steps.

Hayes at the time said he believed the agency would issue draft rules by the end of the year.

"There will be clarity going forward," Hayes said, noting that industry would be given flexibility for how it complies with performance-based standards.

It appears Interior has pushed to 2014 the release of a separate set of rules aiming to strengthen the integrity of blowout preventers, the hulking devices used to stanch the flow of oil or gas from an out-of-control well. BP PLC's blowout preventer failed to prevent the escape of oil and gas from the Macondo well in April 2010, leading to the worst oil spill in the nation's history.

The blowout preventer rule was listed on the White House's long-term agenda, and the proposed rule is tentatively scheduled for October 2014. The administration deemed it "economically significant," which means it could be costly to implement.

"The industry has developed new standards for BOP design and testing that contain significant improvements to existing documents," the White House said in its description of the rule. "By incorporating these new requirements into regulations and other supplemental requirements, the regulatory oversight over this critical equipment will be increased."

The Bureau of Land Management is continuing to evaluate a proposed rule to establish standards to "limit the waste of vented and flared gas and to define the appropriate use of oil and gas for beneficial use."

The rule appears to address a significant concern environmentalists have about the emissions of methane, a potent greenhouse gas, from oil and gas wells on public lands. Environmentalists claim current affordable technologies could keep more methane in pipelines to be burned for heat and power, but BLM has been hesitant to require that those technologies be used. BLM's proposed "onshore order 9" is scheduled for release in May 2014, according to a description of the rule.

Environmental groups continue to pressure the agency for tougher regulations in federal court (Greenwire, June 17).

BLM also continues to pursue rules that would provide for the competitive leasing of wind and solar energy on public lands, for the regulation of hydraulic fracturing and to address the royalty rate for oil shale.

BOEM is also pursuing a rule that would set a preliminary term of one year for offshore wind companies that lease federal waters to submit a site assessment or general activities plan to encourage diligent development of renewable energy.

Sandy Germann

U.S. Environmental Protection Agency

Office of Policy

919-359-1523 (MWF)

919-541-3061 (TTH)

919-818-2909 (cell)

**To:** Assistant Administrators[Assistant\_Administrators@epa.gov]; Ganesan, Arvin[Ganesan.Arvin@epa.gov]; Regional Administrators[Regional\_Administrators@epa.gov]; Vaught, Laura[Vaught.Laura@epa.gov]; Bittleman, Sarah[Bittleman.Sarah@epa.gov]; Garcia, Lisa[Garcia.Lisa@epa.gov]; Garbow, Avi[Garbow.Avi@epa.gov]; Reynolds, Thomas[Reynolds.Thomas@epa.gov]; Bond, Brian[Bond.Brian@epa.gov]; Goo, Michael[Goo.Michael@epa.gov]; Wynn, Renee[Wynn.Renee@epa.gov]  
**From:** KeyesFleming, Gwen  
**Sent:** Wed 7/10/2013 8:17:27 PM  
**Subject:** Fw: "Raw" notes from Senior Retreat  
DRAFT - Second Term Priorities from Senior Retreat Notes - 06 26 13.docx

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**From:** Pieh, Luseni  
**Sent:** Sunday, June 30, 2013 5:17:03 PM  
**To:** Smith, Kelley; KeyesFleming, Gwen; Fritz, Matthew; Pieh, Luseni  
**Subject:** "Raw" notes from Senior Retreat

Good evening,

I hope you all have had a great weekend. Attached please find a chart containing the "raw" notes from last weeks' Senior Retreat.  
Please let me know if you have any questions.

Thanks,

Lou

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**From:** Luseni Pieh  
**Sent:** Sunday, June 30, 2013 5:06:01 PM  
**To:** Pieh, Luseni  
**Subject:**

--

Luseni (Lou) Pieh

**Ex. 6 - Personal Privacy**

**To:** Herckis, Arian[Herckis.Arian@epa.gov]; Bittleman, Sarah[Bittleman.Sarah@epa.gov]; DePass, Michelle[DePass.Michelle@epa.gov]; Garcia, Lisa[Garcia.Lisa@epa.gov]; Giles-AA, Cynthia[Giles-AA.Cynthia@epa.gov]; Hooks, Craig[Hooks.Craig@epa.gov]; Jackson, Malcolm[jackson.malcolm@epa.gov]; Jones, Jim[Jones.Jim@epa.gov]; Kadeli, Lek[Kadeli.Lek@epa.gov]; McCarthy, Gina[McCarthy.Gina@epa.gov]; Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]; Ganesan, Arvin[Ganesan.Arvin@epa.gov]; Reynolds, Thomas[Reynolds.Thomas@epa.gov]; Spalding, Curt[Spalding.Curt@epa.gov]; Enck, Judith[Enck.Judith@epa.gov]; Garvin, Shawn[garvin.shawn@epa.gov]; Meiburg, Stan[Meiburg.Stan@epa.gov]; Hedman, Susan[hedman.susan@epa.gov]; McGrath, Shaun[McGrath.Shaun@epa.gov]; Brooks, Karl[brooks.karl@epa.gov]; Cantor, Howard[cantor.howard@epa.gov]; Blumenfeld, Jared[BLUMENFELD.JARED@EPA.GOV]; McClain, Mike[Mcclain.Mike@epa.gov]; Woodka, Janet[Woodka.Janet@epa.gov]; Bond, Brian[Bond.Brian@epa.gov]; Rupp, Mark[Rupp.Mark@epa.gov]; Monger, Jon[Monger.Jon@epa.gov]; McLerran, Dennis[mclerran.dennis@epa.gov]; Magorrian, Matthew[Magorrian.Matthew@epa.gov]; Willis, Sharnett[Willis.Sharnett@epa.gov]; Richardson, Elena[Richardson.Elena@epa.gov]; Gaudario, Abigail[Gaudario.Abigail@epa.gov]; Cacho, Julia[Cacho.Julia@epa.gov]; Williams, Odessa[Williams.Odessa@epa.gov]; Williams, Felicia[Williams.Felicia@epa.gov]; Cover, Becky[Cover.Rebecca@epa.gov]; Donlon, Janice[DONLON.JANICE@EPA.GOV]; Beck, Nancy[Beck.Nancy@epa.gov]; Abrams, Dan[Abrams.Dan@epa.gov]; Emerson, Michael[Emerson.Michael@epa.gov]; Huang, Cindy[Huang.Cindy@epa.gov]; Milhouse, Gloria[Milhouse.Gloria@epa.gov]; Bednar, Georgia[bednar.georgia@epa.gov]; Wheeler, Kimberly[Wheeler.Kimberly@epa.gov]; Huffman, Linda[Huffman.Linda@epa.gov]; Batts, Julia[Batts.Julia@epa.gov]; Stewart, Lakita[Stewart.Lakita@epa.gov]; Woodward, Cheryl[Woodward.Cheryl@epa.gov]; Robison, Ryan[Robison.Ryan@epa.gov]; Slotkin, Ron[slotkin.ron@epa.gov]; Rodgers, Ryan[Rodgers.Ryan@epa.gov]; Curry, Ron[Curry.Ron@epa.gov]; Froehlich, Maryann[Froehlich.Maryann@epa.gov]; Mallory, Brenda[Mallory.Brenda@epa.gov]; Veney, Carla[Veney.Carla@epa.gov]; Garbow, Avi[Garbow.Avi@epa.gov]; Means-Thomas, Janet[Means-Thomas.Janet@epa.gov]; Smith, Kelley[Smith.Kelley@epa.gov]; Feldt, Lisa[Feldt.Lisa@epa.gov]; EPAVTC[EPAVTC@epa.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]; Sussman, Bob[Sussman.Bob@epa.gov]; Vaught, Laura[Vaught.Laura@epa.gov]; Goo, Michael[Goo.Michael@epa.gov]; Fritz, Matthew[Fritz.Matthew@epa.gov]; Maddox, Donald[Maddox.Donald@epa.gov]; Poole, Jacqueline[Poole.Jacqueline@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Penman, Crystal[Penman.Crystal@epa.gov]; Torres, Nelida[Torres.Nelida@epa.gov]; Gentry, Nathan[Gentry.Nathan@epa.gov]; Ryan, Jini[Ryan.Jini@epa.gov]; Carter, Donnell[Carter.Donnell@epa.gov]; Gibson, James[Gibson.James@epa.gov]; McCabe, Janet[McCabe.Janet@epa.gov]; Atkinson, Emily[Atkinson.Emily@epa.gov]; KeyesFleming, Gwen[KeyesFleming.Gwendolyn@epa.gov]; Banister, Beverly[Banister.Beverly@epa.gov]; Beverly, Brenda[Beverly.Brenda@epa.gov]; HicksWhite, Javoyne[HicksWhite.Javoyne@epa.gov]; Jenkins, Brandi[Jenkins.Brandi@epa.gov]; Gilinsky, Ellen[Gilinsky.Ellen@epa.gov]; Strauss, Alexis[Strauss.Alexis@epa.gov]; Early, William[Early.William@epa.gov]; Borsellino, Ron[borsellino.ron@epa.gov]

**From:** Herckis, Arian

**Sent:** Wed 7/10/2013 7:35:20 PM

**Subject:** RE: 7.10 Senior Policy Meeting Agenda

DRAFT - Second Term Priorities from Senior Retreat Notes - 06 26 13 (3).docx

In addition, attached please find the draft of the second term priorities, which was compiled from the Senior Leadership Retreat.

Thank you,



Arian

**From:** Herckis, Arian

**Sent:** Wednesday, July 10, 2013 3:12 PM

**To:** Bittleman, Sarah; DePass, Michelle; Garcia, Lisa; Giles-AA, Cynthia; Hooks, Craig; Jackson, Malcolm; Jones, Jim; Kadeli, Lek; Mccarthy, Gina; Stanislaus, Mathy; Ganesan, Arvin; Reynolds, Thomas; Spalding, Curt; Enck, Judith; Garvin, Shawn; Meiburg, Stan; Hedman, Susan; McGrath, Shaun; Brooks, Karl; Cantor, Howard; Blumenfeld, Jared; McClain, Mike; Woodka, Janet; Bond, Brian; Rupp, Mark; Monger, Jon; McLerran, Dennis; Magorrian, Matthew; Willis, Sharnett; Richardson, Elena; Gaudario, Abigail; Cacho, Julia; Williams, Odessa; Williams, Felicia; Cover, Becky; Donlon, Janice; Beck, Nancy; Abrams, Dan; Emerson, Michael; Huang, Cindy; Milhouse, Gloria; Bednar, Georgia; Wheeler, Kimberly; Huffman, Linda; Batts, Julia; Stewart, Lakita; Woodward, Cheryl; Robison, Ryan; Slotkin, Ron; Rodgers, Ryan; Curry, Ron; Froehlich, Maryann; Mallory, Brenda; Veney, Carla; Garbow, Avi; Means-Thomas, Janet; Smith, Kelley; Feldt, Lisa; EPAVTC; Stoner, Nancy; Sussman, Bob; Vaught, Laura; Goo, Michael; Herckis, Arian; Fritz, Matthew; Maddox, Donald; Poole, Jacqueline; Kime, Robin; Penman, Crystal; Torres, Nelida; Gentry, Nathan; Ryan, Jini; Carter, Donnell; Gibson, James; McCabe, Janet; Atkinson, Emily; KeyesFleming, Gwen; Banister, Beverly; Beverly, Brenda; HicksWhite, Javoyne; Jenkins, Brandi; Gilinsky, Ellen; Strauss, Alexis; Early, William; Borsellino, Ron

**Subject:** 7.10 Senior Policy Meeting Agenda

Hello everyone,

Attached please find the agenda for today's Senior Policy Meeting.

Thank you,

Arian

**Arian Herckis**

Director of Scheduling and Advance

Office of the Administrator, US EPA

office: 202-564-1008

cell: 202-760-1767

[herckis.arian@epa.gov](mailto:herckis.arian@epa.gov)



**From:** Smith, Kelley  
**Sent:** Thur 7/11/2013 8:03:54 PM  
**Subject:** EPA Cabinet Report for the week of July 15  
[Weekly Cabinet Report 7.15.2013 Final.docx](#)

Hello All,

The Final Draft of the Cabinet Report for the week of July 15 is attached for your review.

Best,

KS

Kelley Smith

Deputy White House Liaison

Environmental Protection Agency

202.564.2308 Desk

202.308.6587 BB

[Smith.Kelley@epa.gov](mailto:Smith.Kelley@epa.gov)

**To:** Johnson, Barnes[Johnson.Barnes@epa.gov]; Devlin, Betsy[Devlin.Betsy@epa.gov]; Goo, Michael[Goo.Michael@epa.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]; Gilinsky, Ellen[Gilinsky.Ellen@epa.gov]; Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]; Wood, Robert[Wood.Robert@epa.gov]; Garbow, Avi[Garbow.Avi@epa.gov]; Straus, Matt[Straus.Matt@epa.gov]  
**Cc:** Penman, Crystal[Penman.Crystal@epa.gov]; Young, Jessica[Young.Jessica@epa.gov]; Martin, KarenL[Martin.KarenL@epa.gov]; Scozzafava, MichaelE[Scozzafava.MichaelE@epa.gov]  
**From:** Bergman, Shawna  
**Sent:** Fri 7/12/2013 5:35:57 PM  
**Subject:** FW: Materials for Monday's 11am CCR/ELG meeting w/Bob P  
[CCR ELG for Bob P draft 2 7-12.docx](#)  
[DRAFT CCR and ELG Proposed Options Timeline 7-11-13\\_JBY.pptx](#)

So that you have them as well, attached are the materials OSWER just submitted for the Acting Administrator's meeting on Monday on CCR and ELG

**From:** Bergman, Shawna  
**Sent:** Friday, July 12, 2013 1:26 PM  
**To:** Martin, KarenL  
**Cc:** Fine, Ellyn; Brooks, Becky; Porterfield, Teri; Anderson, Denise; Ingram, Amir  
**Subject:** Materials for Monday's 11am CCR/ELG meeting w/Bob P

Attached are the final Bob P materials for Monday's meeting on ccr/elg coordination.

**To:** Goo, Michael[Goo.Michael@epa.gov]  
**Cc:** Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Owens, Nicole[Owens.Nicole@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]  
**From:** Schaaff, Lesley  
**Sent:** Thur 7/18/2013 9:09:07 PM  
**Subject:** Files for Gina/Bob  
[regandpolicyoptions07182013use.docx](#)  
[Highpriorityrulesplusdeadlines 7 18 2013use.docx](#)  
[Court-related Deadlines thru 6-30-2014 \(2\).docx](#)  
[Upcoming Signature Releases \(Admin-AA-RA-OD\) thru 6-30-2014 \(3\).docx](#)  
[OMB Review Tracking and Planning thru 6-30-2014.docx](#)  
[At OMB as of 7-18-2013.docx](#)  
[Published EPA Spring 13 Agenda Entries 2013-07-03\\_pages.xlsx](#)

Changes to titles in the files have been made.

Attachments:

- Regulatory & Policy Priority Options
- High Priority Rules Plus Deadlines by Month (through June, 2014)
- Legal Deadlines Scout Report (through June, 2014)
- Upcoming Signature & Releases Scout Report (“Everything” List through June, 2014)
- OMB Review – Tracking and Planning (Rules headed to OMB through June, 2014)
- “At OMB” List (Rules currently under OMB review)
- Spring, 2013 Reg Agenda Dates by Month

Lesley Schaaff

Director, Policy and Regulatory Analysis Division

Office of Policy/Office of the Administrator

202-564-6567

[schaaff.lesley@epa.gov](mailto:schaaff.lesley@epa.gov)



**To:** Goo, Michael[Goo.Michael@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]  
**Cc:** Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Owens, Nicole[Owens.Nicole@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]  
**From:** Schaaff, Lesley  
**Sent:** Thur 7/18/2013 2:10:10 PM  
**Subject:** Blue Notes and Bruce's OMB Tracking & Planning List for this afternoon's call  
7-18-2013 OMB Blue Notes.docx  
OMB Review - Tracking and Planning thru 8-3-2013.docx

I gave Michael hard copies this am.

Lesley Schaaff

Director, Policy and Regulatory Analysis Division

Office of Policy/Office of the Administrator

202-564-6567

schaaff.lesley@epa.gov

**To:** Herckis, Arian[Herckis.Arian@epa.gov]; Bittleman, Sarah[Bittleman.Sarah@epa.gov]; DePass, Michelle[DePass.Michelle@epa.gov]; Garcia, Lisa[Garcia.Lisa@epa.gov]; Giles-AA, Cynthia[Giles-AA.Cynthia@epa.gov]; Hooks, Craig[Hooks.Craig@epa.gov]; Jackson, Malcolm[jackson.malcolm@epa.gov]; Jones, Jim[Jones.Jim@epa.gov]; Kadeli, Lek[Kadeli.Lek@epa.gov]; McCarthy, Gina[McCarthy.Gina@epa.gov]; Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]; Ganesan, Arvin[Ganesan.Arvin@epa.gov]; Reynolds, Thomas[Reynolds.Thomas@epa.gov]; Spalding, Curt[Spalding.Curt@epa.gov]; Enck, Judith[Enck.Judith@epa.gov]; Garvin, Shawn[garvin.shawn@epa.gov]; Meiburg, Stan[Meiburg.Stan@epa.gov]; Hedman, Susan[hedman.susan@epa.gov]; McGrath, Shaun[McGrath.Shaun@epa.gov]; Brooks, Karl[brooks.karl@epa.gov]; Cantor, Howard[cantor.howard@epa.gov]; Blumenfeld, Jared[BLUMENFELD.JARED@EPA.GOV]; McClain, Mike[Mcclain.Mike@epa.gov]; Woodka, Janet[Woodka.Janet@epa.gov]; Bond, Brian[Bond.Brian@epa.gov]; Rupp, Mark[Rupp.Mark@epa.gov]; McLerran, Dennis[mclerran.dennis@epa.gov]; Magorrian, Matthew[Magorrian.Matthew@epa.gov]; Willis, Sharnett[Willis.Sharnett@epa.gov]; Richardson, Elena[Richardson.Elena@epa.gov]; Gaudario, Abigail[Gaudario.Abigail@epa.gov]; Cacho, Julia[Cacho.Julia@epa.gov]; Williams, Odessa[Williams.Odessa@epa.gov]; Williams, Felicia[Williams.Felicia@epa.gov]; Cover, Becky[Cover.Rebecca@epa.gov]; Donlon, Janice[DONLON.JANICE@EPA.GOV]; Beck, Nancy[Beck.Nancy@epa.gov]; Abrams, Dan[Abrams.Dan@epa.gov]; Emerson, Michael[Emerson.Michael@epa.gov]; Huang, Cindy[Huang.Cindy@epa.gov]; Milhouse, Gloria[Milhouse.Gloria@epa.gov]; Bednar, Georgia[bednar.georgia@epa.gov]; Wheeler, Kimberly[Wheeler.Kimberly@epa.gov]; Huffman, Linda[Huffman.Linda@epa.gov]; Batts, Julia[Batts.Julia@epa.gov]; Stewart, Lakita[Stewart.Lakita@epa.gov]; Woodward, Cheryl[Woodward.Cheryl@epa.gov]; Robison, Ryan[Robison.Ryan@epa.gov]; Slotkin, Ron[slotkin.ron@epa.gov]; Rodgers, Ryan[Rodgers.Ryan@epa.gov]; Curry, Ron[Curry.Ron@epa.gov]; Froehlich, Maryann[Froehlich.Maryann@epa.gov]; Mallory, Brenda[Mallory.Brenda@epa.gov]; Veney, Carla[Veney.Carla@epa.gov]; Garbow, Avi[Garbow.Avi@epa.gov]; Means-Thomas, Janet[Means-Thomas.Janet@epa.gov]; Feldt, Lisa[Feldt.Lisa@epa.gov]; EPAVTC[EPAVTC@epa.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]; Vaught, Laura[Vaught.Laura@epa.gov]; Goo, Michael[Goo.Michael@epa.gov]; Fritz, Matthew[Fritz.Matthew@epa.gov]; Maddox, Donald[Maddox.Donald@epa.gov]; Poole, Jacqueline[Poole.Jacqueline@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Penman, Crystal[Penman.Crystal@epa.gov]; Torres, Nelida[Torres.Nelida@epa.gov]; Gentry, Nathan[Gentry.Nathan@epa.gov]; Ryan, Jini[Ryan.Jini@epa.gov]; Carter, Donnell[Carter.Donnell@epa.gov]; Gibson, James[Gibson.James@epa.gov]; McCabe, Janet[McCabe.Janet@epa.gov]; Atkinson, Emily[Atkinson.Emily@epa.gov]; Banister, Beverly[Banister.Beverly@epa.gov]; Beverly, Brenda[Beverly.Brenda@epa.gov]; HicksWhite, Javoyne[HicksWhite.Javoyne@epa.gov]; Jenkins, Brandi[Jenkins.Brandi@epa.gov]; Gilinsky, Ellen[Gilinsky.Ellen@epa.gov]; Strauss, Alexis[Strauss.Alexis@epa.gov]; Wynn, Renee[Wynn.Renee@epa.gov]; Smith, Kelley[Smith.Kelley@epa.gov]; Pieh, Luseni[Pieh.Luseni@epa.gov]

**From:** KeyesFleming, Gwen

**Sent:** Thur 7/18/2013 1:18:56 PM

**Subject:** REMINDER: Senior Policy Meeting Deliverable Request

DRAFT - Second Term Priorities from Senior Retreat Notes - 06 26 13.docx

OW Activities to be Completed in the Next Year.docx

Good Morning Folks,

While we didn't have our meeting yesterday, I still need to remind folks of the Deliverable that I requested everyone to work on from our July 10<sup>th</sup> meeting. We still need each of you to submit specific action items from that correspond with the general themes that we discussed at our Leadership Meeting on June 24<sup>th</sup>. Originally, we were asking that these submitted by July 24<sup>th</sup>,



but our calendar has shifted somewhat & we'll need them by noon on Monday July 22<sup>nd</sup>.

As you will remember, we requested that each of you specify what action(s) you plan to take, by when (within the next 12 mos or less) & explain who will benefit as a result. I have attached Water's Submission as an example of what we're looking for. I have also attached the "Raw Notes" spreadsheet that was forwarded to each of you during our meeting to refresh your memory of the ideas that were generated.

Our hope is to turn around your collective submissions into something that we can share with the group during next week's Sr. Policy.

Thanks in advance.

**From:** Herckis, Arian

**Sent:** Wednesday, July 17, 2013 1:49 PM

**To:** Bittleman, Sarah; DePass, Michelle; Garcia, Lisa; Giles-AA, Cynthia; Hooks, Craig; Jackson, Malcolm; Jones, Jim; Kadeli, Lek; Mccarthy, Gina; Stanislaus, Mathy; Ganesan, Arvin; Reynolds, Thomas; Spalding, Curt; Enck, Judith; Garvin, Shawn; Meiburg, Stan; Hedman, Susan; McGrath, Shaun; Brooks, Karl; Cantor, Howard; Blumenfeld, Jared; McClain, Mike; Woodka, Janet; Bond, Brian; Rupp, Mark; McLerran, Dennis; Magorrian, Matthew; Willis, Sharnett; Richardson, Elena; Gaudario, Abigail; Cacho, Julia; Williams, Odessa; Williams, Felicia; Cover, Becky; Donlon, Janice; Beck, Nancy; Abrams, Dan; Emerson, Michael; Huang, Cindy; Milhouse, Gloria; Bednar, Georgia; Wheeler, Kimberly; Huffman, Linda; Batts, Julia; Stewart, Lakita; Woodward, Cheryl; Robison, Ryan; Slotkin, Ron; Rodgers, Ryan; Curry, Ron; Froehlich, Maryann; Mallory, Brenda; Veney, Carla; Garbow, Avi; Means-Thomas, Janet; Feldt, Lisa; EPAVTC; Stoner, Nancy; Vaught, Laura; Goo, Michael; Herckis, Arian; Fritz, Matthew; Maddox, Donald; Poole, Jacqueline; Kime, Robin; Penman, Crystal; Torres, Nelida; Gentry, Nathan; Ryan, Jini; Carter, Donnell; Gibson, James; McCabe, Janet; Atkinson, Emily; KeyesFleming, Gwen; Banister, Beverly; Beverly, Brenda; HicksWhite, Javoyne; Jenkins, Brandi; Gilinsky, Ellen; Strauss, Alexis; Wynn, Renee; Smith, Kelley; Pieh, Luseni

**Subject:** 7.17 Senior Policy Meeting CANCELED

Please note that today's Senior Policy Meeting has been canceled. Please let me know if there are any questions.

Thank you,

Arian

**Arian Herckis**

Director of Scheduling and Advance

Office of the Administrator, US EPA

office: 202-564-1008

cell: 202-760-1767

*herckis.arian@epa.gov*

**To:** Goo, Michael[Goo.Michael@epa.gov]  
**Cc:** Kime, Robin[Kime.Robin@epa.gov]  
**From:** Schillo, Bruce  
**Sent:** Fri 7/19/2013 7:47:45 PM  
**Subject:** Draft Senior Staff Discussion List for 7/22  
[draft Senior Staff Discussion List for 7-22-2013.docx](#)

**Bruce Schillo** | Policy & Regulatory Analysis Division | Office of Policy | EPA  
1200 Pennsylvania Avenue, NW | Mail Code 1803, AR-3512-a | Washington, DC 20460  
**202-564-6552** | 202-564-7322 (fax) | [schillo.bruce@epa.gov](mailto:schillo.bruce@epa.gov)

**To:** KeyesFleming, Gwen[KeyesFleming.Gwendolyn@epa.gov]  
**Cc:** Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]; Goo, Michael[Goo.Michael@epa.gov]  
**From:** Bergman, Shawna  
**Sent:** Mon 7/22/2013 7:53:22 PM  
**Subject:** CCR NODA materials  
[CCR NODA Desk Statement 7-22-13.docx](#)  
[CCR NODA Frequent Questions 7-22-13.docx](#)  
[Webpage - CCR NODA.docx](#)  
[EO12866 Coal Combustion Residuals\\_2050 AE81\\_NODA\\_NODA\\_20130716\\_Final.docx](#)

Per your request to Mathy, attached are the current version of the CCR NODA with the communication materials.

**To:** Schaaff, Lesley[Schaaff.Lesley@epa.gov]; Goo, Michael[Goo.Michael@epa.gov]  
**Cc:** Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]  
**From:** Owens, Nicole  
**Sent:** Mon 7/22/2013 2:13:14 PM  
**Subject:** Revised versions  
[Highpriorityrulesplusdeadlines 7 22 2013.docx](#)  
[regandpolicyoptions 0722 2013.docx](#)

The two attached files have been revised.

Nicole

**From:** Schaaff, Lesley  
**Sent:** Thursday, July 18, 2013 5:09 PM  
**To:** Goo, Michael  
**Cc:** Cristofaro, Alexander; Owens, Nicole; Nickerson, William; Schillo, Bruce; Balserak, Paul; Kime, Robin; Kenny, Shannon  
**Subject:** Files for Gina/Bob

Changes to titles in the files have been made.

# Ex. 5 - Deliberative

Lesley Schaaff

Director, Policy and Regulatory Analysis Division

Office of Policy/Office of the Administrator

202-564-6567

[schaaff.lesley@epa.gov](mailto:schaaff.lesley@epa.gov)

**To:** McCabe, Janet[McCabe.Janet@epa.gov]; Hooks, Craig[Hooks.Craig@epa.gov]; Froehlich, Maryann[Froehlich.Maryann@epa.gov]; Vaught, Laura[Vaught.Laura@epa.gov]; Giles-AA, Cynthia[Giles-AA.Cynthia@epa.gov]; Wynn, Renee[Wynn.Renee@epa.gov]; Mallory, Brenda[Mallory.Brenda@epa.gov]; DePass, Michelle[DePass.Michelle@epa.gov]; Elkins, Arthur[Elkins.Arthur@epa.gov]; Jones, Jim[Jones.Jim@epa.gov]; Kadeli, Lek[Kadeli.Lek@epa.gov]; Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]; Spalding, Curt[Spalding.Curt@epa.gov]; Enck, Judith[Enck.Judith@epa.gov]; Garvin, Shawn[garvin.shawn@epa.gov]; Meiburg, Stan[Meiburg.Stan@epa.gov]; Hedman, Susan[hedman.susan@epa.gov]; Curry, Ron[Curry.Ron@epa.gov]; Brooks, Karl[brooks.karl@epa.gov]; McGrath, Shaun[McGrath.Shaun@epa.gov]; Blumenfeld, Jared[BLUMENFELD.JARED@EPA.GOV]; McLerran, Dennis[mclerran.dennis@epa.gov]  
**Cc:** Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Schaaff, Lesley[Schaaff.Lesley@epa.gov]; Pritchard, Eileen[Pritchard.Eileen@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]; DAA[DAA@epa.gov]; DRA[DRA@epa.gov]  
**From:** Goo, Michael  
**Sent:** Tue 7/30/2013 4:25:30 PM  
**Subject:** Draft August-September 60-day List for Your Review and Comment  
[draft 60 Day List August-September 2013.docx](#)

OP has prepared a draft 60-Day List report for August-September 2013. This document contains brief descriptions and timelines of EPA actions upcoming between now and the end of September. It also contains descriptions and timelines for some priority policy actions regardless of the projected date of their next milestone. Major active IRIS assessments and high-profile NEPA reviews are also included regardless of next milestone date. The report is generated using the Scout database and is intended to be used by you and your immediate office staff.

As before, I'd appreciate your help in finalizing the attached report. In particular, I would like to make sure that:

- (1) all relevant actions/milestones for your office are listed;
- (2) the associated dates are as up-to-date as possible; and
- (3) the associated descriptions are adequate and accurate.

If milestone dates need to be revised, those changes should be made directly in Scout (or in ADP Tracker for tiered actions) by your staff. Suggested changes to the 60-Day List titles and descriptions can be made in Scout by your staff using instruction previously provided them, or can be e-mailed to Lesley Schaaff and Bruce Schillo.

Please make any changes in Scout or provide us with any additional information by COB, Thursday, August 1.

If you or your staff have Scout related questions, please contact Bruce Schillo at 564-6552. If you have any other questions, please let me or Bruce Schillo know.

Thanks very much

- Michael



**To:** McCabe, Janet[McCabe.Janet@epa.gov]; Hooks, Craig[Hooks.Craig@epa.gov]; Froehlich, Maryann[Froehlich.Maryann@epa.gov]; Vaught, Laura[Vaught.Laura@epa.gov]; Jones, Jim[Jones.Jim@epa.gov]; Giles-AA, Cynthia[Giles-AA.Cynthia@epa.gov]; Wynn, Renee[Wynn.Renee@epa.gov]; Mallory, Brenda[Mallory.Brenda@epa.gov]; DePass, Michelle[DePass.Michelle@epa.gov]; Elkins, Arthur[Elkins.Arthur@epa.gov]; Kadeli, Lek[Kadeli.Lek@epa.gov]; Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]; Spalding, Curt[Spalding.Curt@epa.gov]; Enck, Judith[Enck.Judith@epa.gov]; Garvin, Shawn[garvin.shawn@epa.gov]; Meiburg, Stan[Meiburg.Stan@epa.gov]; Hedman, Susan[hedman.susan@epa.gov]; Curry, Ron[Curry.Ron@epa.gov]; Brooks, Karl[brooks.karl@epa.gov]; McGrath, Shaun[McGrath.Shaun@epa.gov]; Blumenfeld, Jared[BLUMENFELD.JARED@EPA.GOV]; McLerran, Dennis[mclerran.dennis@epa.gov]

**Cc:** Mccarthy, Gina[McCarthy.Gina@epa.gov]; Perciasepe, Bob2[Perciasepe.Bob1644@epa.gov]; KeyesFleming, Gwen[KeyesFleming.Gwendolyn@epa.gov]; Ganesan, Arvin[Ganesan.Arvin@epa.gov]; Feldt, Lisa[Feldt.Lisa@epa.gov]; Pieh, Lusenil[Pieh.Lusenil@epa.gov]; Smith, Kelley[Smith.Kelley@epa.gov]; Garcia, Lisa[Garcia.Lisa@epa.gov]; Dietrich, Debbie[Dietrich.Debbie@epa.gov]; Pallone, Sarah[Pallone.Sarah@epa.gov]; Woodka, Janet[Woodka.Janet@epa.gov]; Dickenson, Denise[DICKENSON.DENISE@EPA.GOV]; Kopocis, Ken[Kopocis.Ken@epa.gov]; Foos, Brenda[Foos.Brenda@epa.gov]; Bittleman, Sarah[Bittleman.Sarah@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Schaaff, Lesley[Schaaff.Lesley@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Cummings, Evangeline[Cummings.Evangeline@epa.gov]; Pritchard, Eileen[Pritchard.Eileen@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Geller, Michael[Geller.Michael@epa.gov]; Hanley, Mary[Hanley.Mary@epa.gov]; Martin, KarenL[Martin.KarenL@epa.gov]; Ingram, Amir[Ingram.Amir@epa.gov]; Scozzafava, MichaelE[Scozzafava.MichaelE@epa.gov]; Gaber, Noha[Gaber.Noha@epa.gov]; Dickenson, Denise[DICKENSON.DENISE@EPA.GOV]; DAA[DAA@epa.gov]; DRA[DRA@epa.gov]

**From:** Goo, Michael

**Sent:** Mon 8/5/2013 7:59:36 PM

**Subject:** Final August-September 60 Day List  
[60 Day List August-September 2013.docx](#)  
[Chron 60 Day List August-September 2013.docx](#)

Greetings,

Based on your input, attached is a final 60-Day List for August and September 2013. The list, organized by program office and region, contains brief descriptions and timelines of EPA actions upcoming between now and the end of September. Also included are some priority policy actions, which are included without regard to the projected date of their next milestone. Also attached is a shorter, chronological version of this list.

I hope you and your immediate staff find this to be of use. Please feel free to contact me or Alex Cristofaro with any comments or questions.

Thanks

Michael

**To:** Goo, Michael[Goo.Michael@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]  
**Cc:** Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Owens, Nicole[Owens.Nicole@epa.gov]  
**From:** Schaaff, Lesley  
**Sent:** Tue 8/6/2013 8:22:14 PM  
**Subject:** Updated reg and policy options (affirmative agenda/top 14 list) for your files  
[regandpolicyoptions08072013use.docx](#)

Dates and status updated for several rules

**Ex. 5 - Deliberative**

**Ex. 5 - Deliberative**

Lesley Schaaff

Director, Policy and Regulatory Analysis Division

Office of Policy/Office of the Administrator

202-564-6567

[schaaff.lesley@epa.gov](mailto:schaaff.lesley@epa.gov)

**From:** Porterfield, Teri  
**Location:** Alm Conference Room  
**Importance:** Normal  
**Subject:** Note: Today's meeting has been moved to 4:30 (EST) - Meeting on Steam Electric ELG proposal. So sorry for the last minute reschedule.  
**Start Date/Time:** Mon 8/12/2013 8:30:00 PM  
**End Date/Time:** Mon 8/12/2013 9:15:00 PM  
[Steamproposalsummaryforgina88draft\\_BSedits.pptx](#)  
[Ginameetingdraft88formancy.docx](#)

-----Original Appointment-----

**From:** Herckis, Arian **On Behalf Of** Adm13McCarthy, Gina  
**Sent:** Thursday, August 01, 2013 6:18 PM  
**To:** Penman, Crystal; Stoner, Nancy; Southerland, Elizabeth; Wood, Robert; Matuszko, Jan; Jordan, Ronald; Adm13McCarthy, Gina; Gilinsky, Ellen; Covington, James; Schroeder, Cuc; Alicea, Jezebele; Hall, Jessica; Levine, MaryEllen; Nickerson, William; Kopocis, Ken; Scozzafava, MichaelE; Deputy Administrator; Garbow, Avi; Goo, Michael; Barron, Alex; Devlin, Betsy; Stanislaus, Mathy; Carter, Donnell; Gibson, John; McClain, Mike; Rodgers, Crystal; Slotkin, Ron; Vitalien, Christal; KeyesFleming, Gwen; Dickerson, Aaron; Feldt, Lisa  
**Subject:** Meeting on Steam Electric ELG proposal  
**When:** Monday, August 12, 2013 4:30 PM-5:15 PM (GMT-05:00) Eastern Time (US & Canada).  
**Where:** Alm Conference Room

NOTE: Today's meeting is being moved to 4:30 instead of 3:30...

SCt: Alison Kukla  
Ct: Crystal Penman, OW - 202-564-3318

Staff:  
Dputy Administrator Perciasepe (OA)  
Avi Garbow (OGC)  
Nancy Stoner (OW)  
Elizabeth Southerland, Robert Wood, Jan Matuszko, Ronald Jordan (OST)

Optional:  
Ellen Gilinsky, Ken Kopocis (OW)  
James Covington, William Swietlik, Cuc Schroeder, Jezebele Alicea, Jessica Hall, MaryEllen Levine (OGC)  
William Nickerson (OP)  
Gwen Keyes Fleming (OA)

**Role: YOU will discuss the schedule/timing of the Steam Electric ELG proposal.**

Teleconference: Call-in: **Ex. 6 - Personal Privacy**

**From:** Herckis, Arian

**Required Attendees:** Penman, Crystal; Stoner, Nancy; Southerland, Elizabeth; Wood, Robert; Matuszko, Jan; Jordan, Ronald; Adm13McCarthy, Gina; Gilinsky, Ellen; Covington, James; Schroeder, Cuc; Alicea, Jezebele; Hall, Jessica; Levine, MaryEllen; Nickerson, William; Kopocis, Ken; Scozzafava, MichaelE; Deputy Administrator; Garbow, Avi; Goo, Michael; Barron, Alex; Devlin, Betsy; Stanislaus, Mathy; Carter, Donnell; Gibson, John; McClain, Mike; Rodgers, Crystal; Slotkin, Ron; Vitalien, Christal; KeyesFleming, Gwen; Dickerson, Aaron; Feldt, Lisa

**Location:** Alm Conference Room

**Importance:** Normal

**Subject:** Meeting on Steam Electric ELG proposal

**Start Date/Time:** Mon 8/12/2013 8:30:00 PM

**End Date/Time:** Mon 8/12/2013 9:15:00 PM

[Steamproposalsummaryforgina88draft\\_BSedits.pptx](#)

[Ginameetingdraft88fornancy.docx](#)

NOTE: Today's meeting is being moved to 4:30 instead of 3:30.

SCt: Alison Kukla

Ct: Crystal Penman, OW - 202-564-3318

Staff:

Dputy Administrator Perciasepe, Lisa Feldt(OA)

Avi Garbow (OGC)

Nancy Stoner (OW)

Elizabeth Southerland, Robert Wood, Jan Matuszko, Ronald Jordan (OST)

Mathy Stanislaus (OSWER)

Optional:

Ellen Gilinsky, Ken Kopocis (OW)

James Covington, William Swietlik, Cuc Schroeder, Jezebele Alicea, Jessica Hall, MaryEllen Levine (OGC)

William Nickerson (OP)

Gwen Keyes Fleming (OA)

**Role: YOU will discuss the schedule/timing of the Steam Electric ELG proposal.**

Teleconference: Call-in: Ex. 6 - Personal Privacy

**From:** Porterfield, Teri

**Required Attendees:** Penman, Crystal; Stoner, Nancy; Southerland, Elizabeth; Wood, Robert; Matuszko, Jan; Jordan, Ronald; Adm13McCarthy, Gina; Gilinsky, Ellen; Covington, James; Schroeder, Cuc; Alicea, Jezebele; Hall, Jessica; Levine, MaryEllen; Nickerson, William; Kopocis, Ken; Scozzafava, MichaelE; Deputy Administrator; Garbow, Avi; Goo, Michael; Barron, Alex; Devlin, Betsy; Stanislaus, Mathy; Carter, Donnell; Gibson, John; McClain, Mike; Rodgers, Crystal; Slotkin, Ron; Vitalien, Christal; KeyesFleming, Gwen; Dickerson, Aaron; Feldt, Lisa

**Location:** Alm Conference Room

**Importance:** Normal

**Subject:** Meeting on Steam Electric ELG proposal

**Start Date/Time:** Mon 8/12/2013 8:30:00 PM

**End Date/Time:** Mon 8/12/2013 9:15:00 PM

[Steamproposalsummaryforgina88draft\\_BSedits.pptx](#)

[Ginameetingdraft88fornancy.docx](#)

NOTE: Today's meeting is being moved to 4:30 instead of 3:30.

SCt: Alison Kukla

Ct: Crystal Penman, OW - 202-564-3318

Staff:

Dputy Administrator Perciasepe (OA)

Avi Garbow (OGC)

Nancy Stoner (OW)

Elizabeth Southerland, Robert Wood, Jan Matuszko, Ronald Jordan (OST)

Optional:

Ellen Gilinsky, Ken Kopocis (OW)

James Covington, William Swietlik, Cuc Schroeder, Jezebele Alicea, Jessica Hall, MaryEllen Levine (OGC)

William Nickerson (OP)

Gwen Keyes Fleming (OA)

**Role: YOU will discuss the schedule/timing of the Steam Electric ELG proposal.**

Teleconference: Call-in: Ex. 6 - Personal Privacy

**From:** Herckis, Arian

**Required Attendees:** Deputy Administrator; Feldt, Lisa; KeyesFleming, Gwen; Anderson, Denise; Reynolds, Thomas; Goo, Michael; Emerson, Michael; Poole, Jacqueline; Kime, Robin; Garbow, Avi; Vaught, Laura; Fritz, Matthew; Burley, Veronica; Ganesan, Arvin; Stroman, Gladys; Porterfield, Teri

**Location:** Administrator's Office

**Importance:** Normal

**Subject:** Priorities Meeting with the Administrator

**Start Date/Time:** Tue 8/13/2013 7:15:00 PM

**End Date/Time:** Tue 8/13/2013 8:00:00 PM

Priority Reg Template for agency rule lists EPA v8.xlsx

**CONFERENCE LINE ADDED.**

Conference line: **Ex. 6 - Personal Privacy**

SCt: Ryan Robison

Ct: Arvin Ganesan, OA 202-564-4741

Staff:

Deputy Administrator Perciasepe, Gwen Keyes-Fleming, Lisa Felt, Matt Fritz, Arvin Ganesan (OA)

Tom Reynolds (OEAE)

Michael Goo (OP)

Arvi Garbow (OGC)

Laura Vaught (OCIR)



**To:** Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]  
**Cc:** Kime, Robin[Kime.Robin@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]  
**From:** Goo, Michael  
**Sent:** Wed 8/14/2013 3:00:54 AM  
**Subject:** Re: Draft email/priority action lists

Leave to him. And this looks great. We can separate it by program and send it. Thx.

---

**From:** Cristofaro, Alexander  
**Sent:** Tuesday, August 13, 2013 9:09:56 PM  
**To:** Balserak, Paul; Goo, Michael  
**Cc:** Kime, Robin; Nickerson, William; Barron, Alex  
**Subject:** RE: Draft email/priority action lists

Should we add Mathy's proposed additions Ex. 5 - Deliberative  
Ex. 5 - Deliberative or leave the initiative to him?

---

**From:** Balserak, Paul  
**Sent:** Tuesday, August 13, 2013 7:20 PM  
**To:** Goo, Michael  
**Cc:** Kime, Robin; Nickerson, William; Barron, Alex; Cristofaro, Alexander  
**Subject:** Draft email/priority action lists

Michael,

*I roughed out a draft email for you to send tomorrow morning to the program AAs re the priority action exercise we discussed this afternoon. The draft rule lists with descriptions are shown below for each program office. These are just the priority actions – they do not include the non-priority court-deadline actions, nor do they include any “maybe” rules/de-regulatory rules. Research on those two fronts continues. Also, given the state of play with these lists, I was only able to put in placeholders for certain actions – e.g., the rules not yet in Scout, such as Ex. 5 - Deliberative are shown without any clear action name or description. I’ll be in early tomorrow (or at least early for me!).*

Paul

-----

Dear Mathy,

# **Ex. 5 - Deliberative**

Thank you,

Michael Goo

OSWER

# **Ex. 5 - Deliberative**

# **Ex. 5 - Deliberative**

OW

# **Ex. 5 - Deliberative**

# **Ex. 5 - Deliberative**

OCSPP

# **Ex. 5 - Deliberative**

# **Ex. 5 - Deliberative**

OAR

# **Ex. 5 - Deliberative**

# **Ex. 5 - Deliberative**

**Ex. 5 - Deliberative**

**To:** Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Goo, Michael[Goo.Michael@epa.gov]  
**From:** Balserak, Paul  
**Sent:** Thur 8/15/2013 4:18:06 PM  
**Subject:** Final files  
Priority Reg Template for agency rule lists EPA v13.xlsx  
EPA other deadlines through 2016.xlsx

Very minor tweaks to priority list file. Including final deadline list file from Bill.

Walking new version of priority list over.

Paul Balserak, Deputy Director

Policy and Regulatory Analysis Division

Office of Policy

202-566-0072



**To:** Ingram, Amir[Ingram.Amir@epa.gov]; Geller, Michael[Geller.Michael@epa.gov]; Scozzafava, MichaelE[Scozzafava.MichaelE@epa.gov]; Hanley, Mary[Hanley.Mary@epa.gov]; Gaber, Noha[Gaber.Noha@epa.gov]; Martin, KarenL[Martin.KarenL@epa.gov]; KeyesFleming, Gwen[KeyesFleming.Gwendolyn@epa.gov]; Fried, Hannah[Fried.Hannah@epa.gov]; Ganesan, Arvin[Ganesan.Arvin@epa.gov]; Bittleman, Sarah[Bittleman.Sarah@epa.gov]; Fritz, Matthew[Fritz.Matthew@epa.gov]; Garcia, Lisa[Garcia.Lisa@epa.gov]; Reynolds, Thomas[Reynolds.Thomas@epa.gov]; Johnson, Alisha[Johnson.Alisha@epa.gov]; Goo, Michael[Goo.Michael@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Dickenson, Denise[DICKENSON.DENISE@EPA.GOV]  
**From:** Pieh, Luseni  
**Sent:** Thur 8/22/2013 10:42:45 PM  
**Subject:** Final draft versions of the Cabinet Report  
EPA WEEKLY CABINET REPORT 8.26.13 Draft v1.docx

Good evening,

Attached please find the final draft version of the Cabinet Report for August 26<sup>th</sup>. We'll focus on this document during our meeting at 2:00 pm.

Thanks!

Lou

Lou Pieh

White House Liaison

Environmental Protection Agency

Direct: 202-564-3580

Cell: 202-365-8562

[Pieh.Luseni@epa.gov](mailto:Pieh.Luseni@epa.gov)

**To:** Goo, Michael[Goo.Michael@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; McGartland, Al[McGartland.Al@epa.gov]; Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]  
**From:** Germann, Sandy  
**Sent:** Fri 8/23/2013 11:55:11 AM  
**Subject:** Regulatory backlog threatens health and the environment

Rena Steinzor opinion in The Hill takes aim at characterization of Obama's regulatory record as a "tsunami"...Says it hasn't been "nearly as aggressive as it could or should be."

### **Regulatory backlog threatens health and the environment**

Outlet Full Name: Hill - Online, The

News Text: When you strap a safety belt onto your child, turn on the faucet for a clean glass of water, or take a medication trusting that it's safe and effective, you probably take for granted the many regulations that have significantly improved health, safety and the environment in recent decades.□ Unfortunately, some in Congress seem hell-bent on turning back the clock.

Over the last two years, we've seen a raft of bills aimed at hobbling federal agencies as they work to write regulations implementing such landmark legislation as the Clean Air Act, the Occupational Safety and Health Act, and the Clean Water Act, as well as newer laws like the Affordable Care Act and the Dodd-Frank banking reform law. Their efforts are backed by a flood of anti-regulation rhetoric from think tanks and industry associations that warn of a tsunami of regulation under President Obama.

A tsunami? Hardly. The truth is that the Obama Administration hasn't been anywhere near as aggressive as it could and should be.□ Last year, for example, fewer regulations were issued than in any single year of the Bush Administration. This year is shaping up to be the slowest year for new regulations since 1997. Don't get me wrong, I wish it were otherwise. In many cases, rules to implement laws passed by Congress languish for years, pinned down by intense lobbying by industry and its allies. That's the case with a number of rules required under the 1990 Clean Air Act Amendments — like the long-overdue revisions to air quality standards for ozone and emissions standards for hazardous air pollutants from oil refineries.□ If allowed to proceed on schedule, the annual benefits of Clean Air Act rules by 2020 will include 237,000 adult lives saved and the prevention of 17 million work loss days and 5.4 million school loss days. So what's stopping the EPA?

Rules must pass through a gauntlet of court challenges, aggressive lobbying by regulated industries, and repeated analysis by the little known but overly powerful White House Office of Information and Regulatory Affairs (OIRA), which holds onto rules for months or even years before they see the light of day. As it happens, an executive order limits OIRA's review to 90 days with a possible 30-day extension, but of the 129 draft rules currently under review at OIRA, 58 have been held up for longer than 120 days and 33 have been stalled for more than a year.□ My law students would rejoice if I showed that kind of laxness with deadlines.

In addition to delaying rules, OIRA's staff of economists routinely dismisses the expertise of scientists and public health experts, and what emerges from OIRA — after long delays — are weakened protections for the public, with no explanation and little transparency in the process.

That opacity is a particular problem because it masks a disturbingly political process, in which OIRA, under the guise of overseeing cost-benefit analyses, invites industry lobbyists to repeat all the same arguments they've offered not just to the agencies drafting regulations, but years before that, to Congress when it drafted the relevant law. Before OIRA, industry often succeeds with arguments that don't make much headway elsewhere, precisely because the process is so closed.

Opponents of regulation also seek to undermine the very legitimacy of agency rulemaking by fostering public hostility toward government and belittling life-saving regulation as "red tape." What results is the gross politicization of the regulatory process, resulting in long delays and weaker rules, as measured in lives and health. For example, the cost of the recent eight-month delay of the EPA's ozone rule is projected to be somewhere between 1,000 and 2,867 premature deaths.

The simple truth is that cries of "over-regulation" from industry and its allies in Congress are hokey. Having lost pitched battles in Congress over adoption of various environmental, health, and safety laws, they're simply re-litigating their case, hoping to undermine the rules that breathe life into laws they opposed in the first place.□ More broadly, they're trying to intimidate the administration from aggressively pursuing the only course that congressional gridlock leaves open to it to address climate change, air pollution, water pollution, unsafe working conditions, and more.

We can only hope the administration doesn't fall for it.

Steinzor is a professor of Law at the University of Maryland Francis King Carey School of Law. She is the president of the Center for Progressive Reform.

Sandy Germann

U.S. Environmental Protection Agency

Office of Policy

919-359-1523 (MWF)

919-541-3061 (TTH)

919-818-2909 (cell)

**To:** Goo, Michael[Goo.Michael@epa.gov]; Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Pritchard, Eileen[Pritchard.Eileen@epa.gov]  
**From:** Balserak, Paul  
**Sent:** Fri 8/23/2013 4:47:14 AM  
**Subject:** Fw: Week of August 26th Administrator's Report  
EPA Weekly Administrator's Report 8.26.13docx.docx

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**From:** Pieh, Luseni  
**Sent:** Thursday, August 22, 2013 6:36:16 PM  
**To:** KeyesFleming, Gwen  
**Subject:** Week of August 26th Administrator's Report

Good evening,

Attached please find the Weekly Administrator's Report for the week of August 26<sup>th</sup>.

Thank you,

Lou

Lou Pieh

White House Liaison

Environmental Protection Agency

Direct: 202-564-3580

Cell: 202-365-8562

[Pieh.Luseni@epa.gov](mailto:Pieh.Luseni@epa.gov)

**To:** Feldt, Lisa[Feldt.Lisa@epa.gov]; Fritz, Matthew[Fritz.Matthew@epa.gov]; KeyesFleming, Gwen[KeyesFleming.Gwendolyn@epa.gov]; Vaught, Laura[Vaught.Laura@epa.gov]; Bond, Brian[Bond.Brian@epa.gov]; Ganesan, Arvin[Ganesan.Arvin@epa.gov]  
**From:** Goo, Michael  
**Sent:** Tue 8/27/2013 12:53:02 PM  
**Subject:** Fw: Key Announcements in Next 90 Days for EOP 8 6 13 op.docx  
Key Announcements in Next 90 Days for OIRA 8 6 13 op.docx

For themes discussions.

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**From:** Balserak, Paul  
**Sent:** Friday, August 23, 2013 1:26:21 PM  
**To:** Goo, Michael  
**Subject:** FW: Key Announcements in Next 90 Days for EOP 8 6 13 op.docx

Michael,

Here's the file. Let me know if you need anything else.

Paul

**To:** KeyesFleming, Gwen[KeyesFleming.Gwendolyn@epa.gov]  
**From:** Pieh, Lusen  
**Sent:** Thur 8/29/2013 10:11:52 PM  
**Subject:** Week of September 2nd Administrator's Report  
EPA Weekly Administrator's Report 9 2 2013 FINAL.docx

Good evening,

Attached please find the Weekly Administrator's Report for the week of September 2<sup>nd</sup>.

Thank you,

Lou

Lou Pieh

White House Liaison

Environmental Protection Agency

Direct: 202-564-3580

Cell: 202-365-8562

[Pieh.Luseni@epa.gov](mailto:Pieh.Luseni@epa.gov)

**To:** Reynolds, Thomas[Reynolds.Thomas@epa.gov]; Vaught, Laura[Vaught.Laura@epa.gov]; Fried, Hannah[Fried.Hannah@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Goo, Michael[Goo.Michael@epa.gov]; KeyesFleming, Gwen[KeyesFleming.Gwendolyn@epa.gov]; Bittleman, Sarah[Bittleman.Sarah@epa.gov]; Ingram, Amir[Ingram.Amir@epa.gov]; Dickenson, Denise[DICKENSON.DENISE@EPA.GOV]; Hanley, Mary[Hanley.Mary@epa.gov]; Martin, KarenL[Martin.KarenL@epa.gov]; Scozzafava, MichaelE[Scozzafava.MichaelE@epa.gov]; Geller, Michael[Geller.Michael@epa.gov]; Ganesan, Arvin[Ganesan.Arvin@epa.gov]; Feldt, Lisa[Feldt.Lisa@epa.gov]; Fritz, Matthew[Fritz.Matthew@epa.gov]  
**From:** Pieh, Luseni  
**Sent:** Fri 8/30/2013 3:23:41 PM  
**Subject:** Final Draft w/comment of Cabinet Report for Week of September 2nd  
[EPA WEEKLY CABINET REPORT 9.2 Final w Comments.docx](#)

Hello all,

Attached please find the final draft w/comments of the Cabinet Report for the Week of September 2<sup>nd</sup>. This is the document we will review during the Cabinet Report Run-through, which is normally scheduled for Monday at 2:00 pm. In light of the holiday, I'm going to send out a calendar invite to reschedule this meeting for Tuesday at the same time.

Thanks,

Lou

Lou Pieh

White House Liaison

Environmental Protection Agency

Direct: 202-564-3580

Cell: 202-365-8562

[Pieh.Luseni@epa.gov](mailto:Pieh.Luseni@epa.gov)

**To:** McCabe, Janet[McCabe.Janet@epa.gov]; Hooks, Craig[Hooks.Craig@epa.gov]; Froehlich, Maryann[Froehlich.Maryann@epa.gov]; Vaught, Laura[Vaught.Laura@epa.gov]; Giles-AA, Cynthia[Giles-AA.Cynthia@epa.gov]; Wynn, Renee[Wynn.Renee@epa.gov]; Mallory, Brenda[Mallory.Brenda@epa.gov]; DePass, Michelle[DePass.Michelle@epa.gov]; Elkins, Arthur[Elkins.Arthur@epa.gov]; Jones, Jim[Jones.Jim@epa.gov]; Kadeli, Lek[Kadeli.Lek@epa.gov]; Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]; Spalding, Curt[Spalding.Curt@epa.gov]; Enck, Judith[Enck.Judith@epa.gov]; Garvin, Shawn[garvin.shawn@epa.gov]; Meiburg, Stan[Meiburg.Stan@epa.gov]; Hedman, Susan[hedman.susan@epa.gov]; Curry, Ron[Curry.Ron@epa.gov]; Brooks, Karl[brooks.karl@epa.gov]; McGrath, Shaun[McGrath.Shaun@epa.gov]; Blumenfeld, Jared[BLUMENFELD.JARED@EPA.GOV]; McLerran, Dennis[mclerran.dennis@epa.gov]  
**Cc:** Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Schaaff, Lesley[Schaaff.Lesley@epa.gov]; Pritchard, Eileen[Pritchard.Eileen@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]; DAA[DAA@epa.gov]; DRA[DRA@epa.gov]  
**From:** Goo, Michael  
**Sent:** Wed 9/4/2013 1:50:44 PM  
**Subject:** Draft September-October 60-day List for Your Review and Comment  
[draft 60 Day List September-October 2013.docx](#)

OP has prepared a draft 60-Day List report for September-October 2013. This document contains brief descriptions and timelines of EPA actions upcoming between now and the end of October. It also contains descriptions and timelines for some priority policy actions regardless of the projected date of their next milestone. Major active IRIS assessments and high-profile NEPA reviews are also included regardless of next milestone date. The report is generated using the Scout database and is intended to be used by you and your immediate office staff.

As before, I'd appreciate your help in finalizing the attached report. In particular, I would like to make sure that:

- (1) all relevant actions/milestones for your office are listed;
- (2) the associated dates are as up-to-date as possible; and
- (3) the associated descriptions are adequate and accurate.

If milestone dates need to be revised, those changes should be made directly in Scout (or in ADP Tracker for tiered actions) by your staff. Suggested changes to the 60-Day List titles and descriptions can be made in Scout by your staff using instruction previously provided them, or can be e-mailed to Lesley Schaaff and Bruce Schillo.

Please make any changes in Scout or provide us with any additional information by COB, Thursday, September 5.

If you or your staff have Scout related questions, please contact Bruce Schillo at 564-6552. If you have any other questions, please let me or Bruce Schillo know.

Thanks very much  
- Michael





**Cc:** Pieh, Luseni[Pieh.Luseni@epa.gov]  
**From:** Pieh, Luseni  
**Sent:** Thur 9/5/2013 10:23:55 PM  
**Subject:** Week of September 9th Administrator's Report  
EPA Weekly Administrator's Report 9 9 2013 FINAL.docx

Good evening,

Attached please find the Weekly Administrator's Report for the week of September 9th.

Thank you,

Lou

Lou Pieh

White House Liaison

Environmental Protection Agency

Direct: 202-564-3580

Cell: 202-365-8562

[Pieh.Luseni@epa.gov](mailto:Pieh.Luseni@epa.gov)

**To:** Goo, Michael[Goo.Michael@epa.gov]  
**From:** Kenny, Shannon  
**Sent:** Wed 9/25/2013 10:20:41 PM  
**Subject:** FW: For your review -- New draft of WH slide deck  
WH 2nd term SK-SC draft 9-24.pptx

Fyi this is the deck Gina has. No comments back yet from anyone but Hannah, and they were minimal (adding –ing on a slide).

**From:** Kenny, Shannon  
**Sent:** Tuesday, September 24, 2013 5:29 PM  
**To:** Fritz, Matthew; Feldt, Lisa  
**Cc:** Fried, Hannah; Connors, Sandra  
**Subject:** For your review -- New draft of WH slide deck

Matt & Lisa,

Thanks for the chance to help with this. Here is our latest version. We're happy to help more if needed.

Shannon (& Sandra)

**Cc:** Pieh, Luseni[Pieh.Luseni@epa.gov]  
**From:** Pieh, Luseni  
**Sent:** Thur 9/26/2013 10:23:05 PM  
**Subject:** September 30th - Final Administrator's Report  
EPA Weekly Administrator's Report 9 30 2013 FINAL.docx

Good evening,

Attached please find the Weekly Administrator's Report for the week of September 30<sup>th</sup>.

Thank you,

Lou

Lou Pieh

White House Liaison

Environmental Protection Agency

Direct: 202-564-3580

Cell: 202-365-8562

Pieh.Luseni@epa.gov

**To:** Fried, Hannah[Fried.Hannah@epa.gov]; KeyesFleming, Gwen[KeyesFleming.Gwendolyn@epa.gov]; Reynolds, Thomas[Reynolds.Thomas@epa.gov]; Ganesan, Arvin[Ganesan.Arvin@epa.gov]; Johnson, Alisha[Johnson.Alisha@epa.gov]; Goo, Michael[Goo.Michael@epa.gov]; Fritz, Matthew[Fritz.Matthew@epa.gov]; Feldt, Lisa[Feldt.Lisa@epa.gov]; Garcia, Lisa[Garcia.Lisa@epa.gov]; Bittleman, Sarah[Bittleman.Sarah@epa.gov]; Ingram, Amir[Ingram.Amir@epa.gov]; Hanley, Mary[Hanley.Mary@epa.gov]; Gaber, Noha[Gaber.Noha@epa.gov]; Scozzafava, MichaelE[Scozzafava.MichaelE@epa.gov]; Geller, Michael[Geller.Michael@epa.gov]; Martin, KarenL[Martin.KarenL@epa.gov]; Roberts, Martha[Roberts.Martha@epa.gov]; Vaught, Laura[Vaught.Laura@epa.gov]  
**From:** Pieh, Luseni  
**Sent:** Mon 9/30/2013 12:56:47 PM  
**Subject:** Week of September 30th Cabinet Report with Comments  
[EPA WEEKLY CABINET REPORT 9 30 2013 FINAL w comments.docx](#)

Good morning,

Attached please find a draft version of the weekly Cabinet Report for the week of September 30<sup>th</sup>. We will review this version of the Cabinet Report during our 2:00 pm meeting later today.

Thanks,

Lou

Lou Pieh

White House Liaison

Environmental Protection Agency

Direct: 202-564-3580

Cell: 202-365-8562

[Pieh.Luseni@epa.gov](mailto:Pieh.Luseni@epa.gov)

**To:** McCabe, Janet[McCabe.Janet@epa.gov]; Hooks, Craig[Hooks.Craig@epa.gov]; Froehlich, Maryann[Froehlich.Maryann@epa.gov]; Vaught, Laura[Vaught.Laura@epa.gov]; Giles-AA, Cynthia[Giles-AA.Cynthia@epa.gov]; Wynn, Renee[Wynn.Renee@epa.gov]; Mallory, Brenda[Mallory.Brenda@epa.gov]; DePass, Michelle[DePass.Michelle@epa.gov]; Elkins, Arthur[Elkins.Arthur@epa.gov]; Jones, Jim[Jones.Jim@epa.gov]; Kadeli, Lek[Kadeli.Lek@epa.gov]; Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]; Spalding, Curt[Spalding.Curt@epa.gov]; Enck, Judith[Enck.Judith@epa.gov]; Garvin, Shawn[garvin.shawn@epa.gov]; Meiburg, Stan[Meiburg.Stan@epa.gov]; Hedman, Susan[hedman.susan@epa.gov]; Curry, Ron[Curry.Ron@epa.gov]; Brooks, Karl[brooks.karl@epa.gov]; McGrath, Shaun[McGrath.Shaun@epa.gov]; Blumenfeld, Jared[BLUMENFELD.JARED@EPA.GOV]; McLerran, Dennis[mclerran.dennis@epa.gov]  
**Cc:** Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Schaaff, Lesley[Schaaff.Lesley@epa.gov]; Pritchard, Eileen[Pritchard.Eileen@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]; DAA[DAA@epa.gov]; DRA[DRA@epa.gov]  
**From:** Goo, Michael  
**Sent:** Mon 9/30/2013 4:57:24 PM  
**Subject:** Draft October-November 60-day List for Your Review and Comment  
[draft 60 Day List October-November 2013.docx](#)

OP has prepared a draft 60-Day List report for October-November 2013. This document contains brief descriptions and timelines of EPA actions upcoming between now and the end of November. It also contains descriptions and timelines for some priority policy actions regardless of the projected date of their next milestone. Major active IRIS assessments and high-profile NEPA reviews are also included regardless of next milestone date. The report is generated using the Scout database and is intended to be used by you and your immediate office staff.

As before, I'd appreciate your help in finalizing the attached report. In particular, I would like to make sure that:

- (1) all relevant actions/milestones for your office are listed;
- (2) the associated dates are as up-to-date as possible; and
- (3) the associated descriptions are adequate and accurate.

If milestone dates need to be revised, those changes should be made directly in Scout (or in ADP Tracker for tiered actions) by your staff. Suggested changes to the 60-Day List titles and descriptions can be made in Scout by your staff using instruction previously provided them, or can be e-mailed to Lesley Schaaff and Bruce Schillo.

Please make any changes in Scout or provide us with any additional information by COB, Thursday, October 3. (NOTE: If there is a shutdown, add an extra day for every day that the Agency is shutdown.)

If you or your staff have Scout related questions, please contact Bruce Schillo at 564-6552. If you have any other questions, please let me or Bruce Schillo know.

Thanks very much

- Michael

**To:** Goo, Michael[Goo.Michael@epa.gov]  
**From:** InsideEPA.com  
**Sent:** Thur 10/10/2013 10:35:37 AM  
**Subject:** The Morning Headlines from InsideEPA.com -- October 10, 2013

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October 10, 2013

#### Latest News

##### Judge Rejects Industry Intervention In Ozone NAAQS Review Deadline Suit

A federal district court judge has rejected industry groups' bid to intervene in environmentalists' suit seeking a court-ordered deadline for EPA to review its ozone national ambient air quality standard (NAAQS), despite industry's claims that a potentially tight timeline could hinder their ability to provide sufficient comment on the rule.

[READ MORE >>](#)

##### EPA, Sierra Club Face Tough Questions In Air Permit 'Grandfathering' Suit

Appellate court judges at Oct. 8 oral arguments gave tough questions to both EPA and Sierra Club in the group's suit testing whether the agency has power to "grandfather," or exempt, a Clean Air Act prevention of significant deterioration (PSD) permit from new air quality standards that take effect during the PSD permit review process.

[READ MORE >>](#)

##### Industry Questions EPA Planning Of New TSCA Risk Assessment Program

Industry officials are reiterating their criticism of EPA's new risk assessment process for numerous industrial chemicals, arguing that EPA failed to properly plan the new program, its analyses are unfit bases for regulation and that peer review charge questions fail to follow Information Quality Act (IQA) guidelines.

[READ MORE >>](#)

##### Facing Push From Cities, EPA Weighs Options

#### Latest Blogs

##### U.S. Backs Mercury Treaty

The Obama administration is hoping to sign an international treaty to reduce mercury but the ongoing government shutdown will prevent its representatives from attending an . . .



## **For 'Integrated' CWA Permits**

EPA is weighing options for how to write permits that integrate municipalities' wastewater and stormwater control requirements even as local government representatives continue to pressure the agency to issue permits that they believe are more flexible than the enforcement decrees in which EPA has so far implemented the integrated approach.

**[READ MORE >>](#)**

## **ECOS Seeks Deal On Utility NSPS 'Principles' Resolution By Late October**

The Environmental Council of the States (ECOS) is seeking to reach a deal by the end of October on a resolution detailing "principles" states want EPA to follow as it crafts a climate rule for existing utilities, aiming to resolve some ECOS members' fears that the resolution could be seen as their states endorsing specific climate policies.

**[READ MORE >>](#)**

## **API Urges Colorado Supreme Court To Reverse Fracking Tort Ruling**

The American Petroleum Institute (API) is urging the Colorado Supreme Court to reverse the state appellate court's finding that Colorado law prohibits use of a discovery tool requiring plaintiffs in toxic torts litigation to make a prima facie showing of causation -- considered by some to be key in suits over alleged hydraulic fracturing contamination.

**[READ MORE >>](#)**

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**To:** Pieh, Luseni[Pieh.Luseni@epa.gov]  
**From:** Pieh, Luseni  
**Sent:** Thur 10/24/2013 10:32:18 PM  
**Subject:** October 28th - Final Administrator's Report  
EPA Weekly Administrator's Report 10 28 2013 Final.docx

Good evening,

Attached please find the Weekly Administrator's Report for the week of October 28<sup>th</sup>.

Thank you,

Lou

Lou Pieh

White House Liaison

Environmental Protection Agency

Direct: 202-564-3580

Cell: 202-365-8562

[Pieh.Luseni@epa.gov](mailto:Pieh.Luseni@epa.gov)

**To:** Kenny, Shannon[Kenny.Shannon@epa.gov]  
**Cc:** Kime, Robin[Kime.Robin@epa.gov]; Schaaff, Lesley[Schaaff.Lesley@epa.gov]; Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Owens, Nicole[Owens.Nicole@epa.gov]; Curry, Bridgid[Curry.Bridgid@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Free, Laura[Free.Laura@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]  
**From:** Pritchard, Eileen  
**Sent:** Tue 10/29/2013 8:20:55 PM  
**Subject:** Reports as of 4PM today  
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[Upcoming Signature and OMB Review thru 11-12-13.docx](#)  
[Senior Staff Discussion List - Updated.docx](#)

Here are the revised reports you asked for. These are a “work in progress”. We will be soliciting your feedback at the Weekly Reg Meeting on schedule for tomorrow, Wed @ 2pm.

Attached you will find:

- IN OP/AT OMB/OMB UPDATED STATUS REPORT (updated as of 4 pm today)
- ADMINISTRATOR SENIOR STAFF MEETING DISCUSSION LIST (updated as of 4pm today)
- UPCOMING ADMINISTRATOR SIGNATURE/UPCOMING OMB REVIEW MILESTONES (projected out 2 weeks thru 11/12/13)

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**To:** Goo, Michael[Goo.Michael@epa.gov]  
**From:** InsideEPA.com  
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**Subject:** The Morning Headlines from InsideEPA.com -- October 30, 2013

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October 30, 2013

#### Latest News

### Western Governors Exploring Options For Mine Cleanup Liability Relief

Western governors are renewing a focus on providing relief for so-called Good Samaritans to conduct cleanups of abandoned hardrock mines, pursuing discussions with EPA Region VIII to explore administrative options, as well as continuing to press for legislative fixes, according to a source with a western states group.

[READ MORE >>](#)

### Pacific States Vow To Revive Controversial LCFS Despite Major Hurdles

The Pacific Coast states' just-unveiled climate "action plan" commits policymakers to implementing and maintaining low carbon fuel standard (LCFS) programs in each jurisdiction, despite the fact that they have so far struggled to do so.

[READ MORE >>](#)

### EPA Weighs Steps To Bolster AFO Air Model To Address SAB Criticisms

EPA is seeking new data and taking other steps to bolster the use of a pending statistical method to estimate emissions from animal feeding operations (AFOs), an agency official says, in order to address concerns from its Science Advisory Board (SAB) that faulted the model and suggested pursuing an alternative process-based modeling method.

[READ MORE >>](#)

### Congress May Expand EPA Plan To Adopt

#### Latest Blogs

### D.C. Circuit Approves Bid To Expedite 2013 RFS Suit

The U.S. Court of Appeals for the District of Columbia Circuit has granted oil refiner Monroe Energy's bid to expedite litigation over EPA's 2013 renewable .

..

### EPA, Environmentalists Weigh Ozone NAAQS Deadline Deal

Environmentalists and EPA are in tentative talks about trying to settle litigation Sierra Club and others filed trying to force a court-ordered deadline for the

...

### OMB Weighs EPA's Farm Worker Protection Rule

EPA has proposed updated protection standards for agricultural workers exposed to pesticide chemicals, formally submitting the long-delayed rule to the White House Office of Management . . .

## **Advice On ESA Pesticide Reviews**

Language in the House Farm Bill, which is headed to a House-Senate conference committee this week, could expand EPA's plans for implementing National Academy of Sciences (NAS) advice on conducting future assessments of pesticide risks to endangered species by requiring officials to apply the complex advice to past assessments as well.

**[READ MORE >>](#)**

## **Judge Gives EPA 60 Days To Craft Plan For Finalizing Coal Ash Waste Rule**

A federal district judge is ordering EPA to submit to the court within 60 days an update on its pending Resource Conservation & Recovery Act (RCRA) coal ash rule and a schedule for finalizing it, weeks after the judge issued a ruling backing environmentalists' charge that EPA has a statutory mandate to issue a RCRA ash regulation.

**[READ MORE >>](#)**

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## **EPA Policy Chief Departing**

Michael Goo, EPA's associate administrator for policy, is leaving the agency to take a position at the Department of Energy (DOE), prompting praise from EPA . . .

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**From:** Pritchard, Eileen  
**Sent:** Mon 11/4/2013 9:17:04 PM  
**Subject:** Daily Report for today, Monday, November 4 at 4PM  
[In OP At OMB for 11-4-13 - PM.docx](#)  
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[Senior Staff Discussion List - Updated 11-4-13.docx](#)

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- [REDACTED] ADMINISTRATOR SENIOR STAFF MEETING DISCUSSION LIST (updated today)
- [REDACTED] UPCOMING ADMINISTRATOR SIGNATURE/UPCOMING OMB REVIEW MILESTONES (projected out 2 weeks thru 11/18/13)

**\*\* Any changes from last Friday's (11/1) report have been highlighted in yellow.**

Eileen Pritchard

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**To:** Kenny, Shannon[Kenny.Shannon@epa.gov]  
**Cc:** Kime, Robin[Kime.Robin@epa.gov]; Schaaff, Lesley[Schaaff.Lesley@epa.gov]; Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Owens, Nicole[Owens.Nicole@epa.gov]; Curry, Bridgid[Curry.Bridgid@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Free, Laura[Free.Laura@epa.gov]; Irving, Verna[Irving.Verna@epa.gov]; Poole, Jacqueline[Poole.Jacqueline@epa.gov]  
**From:** Pritchard, Eileen  
**Sent:** Tue 11/5/2013 8:25:28 PM  
**Subject:** Daily Reports for today, Tuesday, November 5  
[In OP At OMB for 11-5-13 - PM.docx](#)  
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**From:** Pritchard, Eileen  
**Sent:** Wed 11/6/2013 8:58:29 PM  
**Subject:** Daily Reports for today, Wednesday, November 6  
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**From:** Pritchard, Eileen  
**Sent:** Thur 11/7/2013 8:10:16 PM  
**Subject:** Daily Reports for today, Thursday, Novmeber 7  
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**Sent:** Fri 11/8/2013 8:30:57 PM  
**Subject:** Here is the OMB file for Arvin/Gina  
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Lesley Schaaff

Director, Policy and Regulatory Analysis Division

Office of Policy/Office of the Administrator

202-564-6567

schaaff.lesley@epa.gov



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**Cc:** Kime, Robin[Kime.Robin@epa.gov]; Schaaff, Lesley[Schaaff.Lesley@epa.gov]; Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Owens, Nicole[Owens.Nicole@epa.gov]; Curry, Bridgid[Curry.Bridgid@epa.gov]; Free, Laura[Free.Laura@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Irving, Verna[Irving.Verna@epa.gov]; Poole, Jacqueline[Poole.Jacqueline@epa.gov]  
**From:** Pritchard, Eileen  
**Sent:** Fri 11/8/2013 8:14:26 PM  
**Subject:** Daily Reports for today, Friday, November 8  
[In OP At OMB for 11-8-13 PM.docx](#)  
[Senior Staff List DRAFT for Tuesday 11-12-13.docx](#)  
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**From:** Pritchard, Eileen  
**Sent:** Tue 11/12/2013 8:59:48 PM  
**Subject:** Daily Reports for today, Tuesday, November 12  
[In OP At OMB for 11-12-13 - PM.docx](#)  
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**To:** Fritz, Matthew[Fritz.Matthew@epa.gov]; KeyesFleming, Gwen[KeyesFleming.Gwendolyn@epa.gov]; Rupp, Mark[Rupp.Mark@epa.gov]; Ganesan, Arvin[Ganesan.Arvin@epa.gov]; Bond, Brian[Bond.Brian@epa.gov]; Bittleman, Sarah[Bittleman.Sarah@epa.gov]; Garcia, Lisa[Garcia.Lisa@epa.gov]; Goo, Michael[Goo.Michael@epa.gov]; Reynolds, Thomas[Reynolds.Thomas@epa.gov]; Spalding, Curt[Spalding.Curt@epa.gov]; Enck, Judith[Enck.Judith@epa.gov]; Garvin, Shawn[garvin.shawn@epa.gov]; Hedman, Susan[hedman.susan@epa.gov]; Curry, Ron[Curry.Ron@epa.gov]; Brooks, Karl[brooks.karl@epa.gov]; McGrath, Shaun[McGrath.Shaun@epa.gov]; Blumenfeld, Jared[BLUMENFELD.JARED@EPA.GOV]; McLerran, Dennis[mclerran.dennis@epa.gov]; Hooks, Craig[Hooks.Craig@epa.gov]; Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]; McCabe, Janet[McCabe.Janet@epa.gov]; Garbow, Avi[Garbow.Avi@epa.gov]; Giles-AA, Cynthia[Giles-AA.Cynthia@epa.gov]; Jones, Jim[Jones.Jim@epa.gov]; Smith, Kelley[Smith.Kelley@epa.gov]; Vaught, Laura[Vaught.Laura@epa.gov]; McClendon, Marcus[McClendon.Marcus@epa.gov]; Delp, Robert[Delp.Robert@epa.gov]; Rivas-Vazquez, Victoria[Rivas-Vazquez.Victoria@epa.gov]; Owens, Stephanie[Owens.Stephanie@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Dickenson, Denise[DICKENSON.DENISE@EPA.GOV]; Ashwell, Elizabeth[Ashwell.Elizabeth@epa.gov]; Frank, Joyce[Frank.Joyce@epa.gov]; Martin, KarenL[Martin.KarenL@epa.gov]; Geller, Michael[Geller.Michael@epa.gov]; Scozzafava, MichaelE[Scozzafava.MichaelE@epa.gov]; Gaber, Noha[Gaber.Noha@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Robison, Ryan[Robison.Ryan@epa.gov]; Belknap, Andra[Belknap.Andra@epa.gov]; Rivas-Vazquez, Victoria[Rivas-Vazquez.Victoria@epa.gov]; Bloomgren, David[Bloomgren.David@epa.gov]; Distefano, Nichole[DiStefano.Nichole@epa.gov]; Rupp, Mark[Rupp.Mark@epa.gov]; Hannon, Arnita[Hannon.Arnita@epa.gov]; Ingram, Amir[Ingram.Amir@epa.gov]; Schaaff, Lesley[Schaaff.Lesley@epa.gov]; Nitsch, Chad[Nitsch.Chad@epa.gov]; Dickenson, Denise[DICKENSON.DENISE@EPA.GOV]; Ashwell, Elizabeth[Ashwell.Elizabeth@epa.gov]; Frank, Joyce[Frank.Joyce@epa.gov]; Martin, KarenL[Martin.KarenL@epa.gov]; Geller, Michael[Geller.Michael@epa.gov]; Scozzafava, MichaelE[Scozzafava.MichaelE@epa.gov]; Gaber, Noha[Gaber.Noha@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Robison, Ryan[Robison.Ryan@epa.gov]; Belknap, Andra[Belknap.Andra@epa.gov]; Vaught, Laura[Vaught.Laura@epa.gov]; McClendon, Marcus[McClendon.Marcus@epa.gov]; Delp, Robert[Delp.Robert@epa.gov]; Rivas-Vazquez, Victoria[Rivas-Vazquez.Victoria@epa.gov]; Owens, Stephanie[Owens.Stephanie@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Pieh, Lusenii[Pieh.Lusenii@epa.gov]; Fritz, Matthew[Fritz.Matthew@epa.gov]; KeyesFleming, Gwen[KeyesFleming.Gwendolyn@epa.gov]; Rupp, Mark[Rupp.Mark@epa.gov]; Ganesan, Arvin[Ganesan.Arvin@epa.gov]; Bond, Brian[Bond.Brian@epa.gov]; Bittleman, Sarah[Bittleman.Sarah@epa.gov]; Garcia, Lisa[Garcia.Lisa@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Giles-AA, Cynthia[Giles-AA.Cynthia@epa.gov]; Kadeli, Lek[Kadeli.Lek@epa.gov]; Froehlich, Maryann[Froehlich.Maryann@epa.gov]; Abrams, Dan[Abrams.Dan@epa.gov]; Hanley, Mary[Hanley.Mary@epa.gov]; Goo, Michael[Goo.Michael@epa.gov]; Herckis, Arian[Herckis.Arian@epa.gov]; Wynn, Renee[Wynn.Renee@epa.gov]; Robinson, Rhonda[Robinson.Rhonda@epa.gov]; Miles, Erin[Miles.Erin@epa.gov]; Fried, Hannah[Fried.Hannah@epa.gov]; Davis, Cameron[Davis.Cameron@epa.gov]; Banister, Beverly[Banister.Beverly@epa.gov]; Stewart, Lakita[Stewart.Lakita@epa.gov]; Nishida, Jane[Nishida.Jane@epa.gov]; Stokes, Dionne[Stokes.Dionne@epa.gov]; Rogers, Faith[Rogers.Faith@epa.gov]  
**From:** Rogers, Faith  
**Sent:** Wed 11/13/2013 1:11:16 AM  
**Subject:** November 18th- Draft #1 of Weekly Administrator's Report  
EPA Weekly Administrator's Report 11 18 2013 V1.docx

Good evening,

Attached please find the first draft of the Weekly Administrator's Report for the week of November 18th. Please take a look and send in any revisions, or additional entries for your office/region by 1:00 pm tomorrow. In the event something is currently missing from the report that should be included, please flag that for us as well.

For purposes of tomorrow's Senior Staff meeting, any conversations about the Administrator's Report will refer to the attached draft Administrator's Report for the week of November 18th.

Please let us know if you have any questions.

Thank you,

Faith Rogers

Deputy White House Liaison

Environmental Protection Agency

Desk: 202-564-2446

Cell: 202-909-5500

[rogers.faith@epa.gov](mailto:rogers.faith@epa.gov)

**To:** Beauvais, Joel[Beauvais.Joel@epa.gov]  
**From:** Kenny, Shannon  
**Sent:** Wed 11/13/2013 9:32:04 PM  
**Subject:** Fw: Daily Reports for today, Wednesday, November 13  
In OP At OMB for 11-13-13 - PM.docx  
Upcoming Signature and OMB Review thru 11-27-13.docx  
Senior Staff Discussion List - Updated 11-13-13.docx

Fyi This is what I get everyday from our reg folks. Asked them today to start thinking about more visual presentation of the information.

---

**From:** Pritchard, Eileen  
**Sent:** Wednesday, November 13, 2013 4:20:37 PM  
**To:** Kenny, Shannon  
**Cc:** Kime, Robin; Schaaff, Lesley; Cristofaro, Alexander; Nickerson, William; Owens, Nicole; Balserak, Paul; Curry, Bridgid; Barron, Alex; Schillo, Bruce; Free, Laura; Irving, Verna; Poole, Jacqueline  
**Subject:** Daily Reports for today, Wednesday, November 13

Attached you will find:

- IN OP/AT OMB/OMB UPDATED STATUS REPORT (updated today)
- - ADMINISTRATOR SENIOR STAFF MEETING DISCUSSION LIST - for this week (updated today)
- - UPCOMING ADMINISTRATOR SIGNATURE/UPCOMING OMB REVIEW MILESTONES (projected out 2 weeks thru 11/27/13)

\*\* Any changes from yesterday's report have been highlighted in yellow.

Eileen Pritchard

USEPA/OP/ORPM/IO

1200 Pennsylvania Avenue, NW

Room 3521-B ARN

Mailcode 1804

Washington, DC 20460

202-564-6578



**To:** Kenny, Shannon[Kenny.Shannon@epa.gov]  
**Cc:** Kime, Robin[Kime.Robin@epa.gov]; Schaaff, Lesley[Schaaff.Lesley@epa.gov]; Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Owens, Nicole[Owens.Nicole@epa.gov]; Curry, Bridgid[Curry.Bridgid@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Free, Laura[Free.Laura@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Irving, Verna[Irving.Verna@epa.gov]; Poole, Jacqueline[Poole.Jacqueline@epa.gov]  
**From:** Pritchard, Eileen  
**Sent:** Thur 11/14/2013 7:10:50 PM  
**Subject:** Daily Reports for today, Thursday, November 14  
[In OP At OMB for 11-14-13 - PM.docx](#)  
[Senior Staff Discussion List - Updated 11-14-13.docx](#)  
[Upcoming Signature and OMB Review thru 11-28-13.docx](#)

Attached you will find:

- IN OP/AT OMB/OMB UPDATED STATUS REPORT (updated today)
- – ADMINISTRATOR SENIOR STAFF MEETING DISCUSSION LIST - for this week (updated today)
- – UPCOMING ADMINISTRATOR SIGNATURE/UPCOMING OMB REVIEW MILESTONES (projected out 2 weeks thru 11/28/13)

\*\* Any changes from yesterday's report have been highlighted in yellow.

Eileen Pritchard

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Washington, DC 20460

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**To:** Kenny, Shannon[Kenny.Shannon@epa.gov]  
**Cc:** Kime, Robin[Kime.Robin@epa.gov]; Schaaff, Lesley[Schaaff.Lesley@epa.gov]; Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Owens, Nicole[Owens.Nicole@epa.gov]; Curry, Bridgid[Curry.Bridgid@epa.gov]; Free, Laura[Free.Laura@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Irving, Verna[Irving.Verna@epa.gov]; Poole, Jacqueline[Poole.Jacqueline@epa.gov]  
**From:** Pritchard, Eileen  
**Sent:** Sun 11/17/2013 9:55:43 AM  
**Subject:** (Late) Daily Reports for Friday, November 15  
[In OP At OMB for 11-15-13 PM.docx](#)  
[Senior Staff List DRAFT for Monday 11-18-13.doc.docx](#)  
[Upcoming Signature and OMB Review thru 11-29-13.docx](#)

Attached you will find:

- IN OP/AT OMB/OMB UPDATED STATUS REPORT (updated today)
- - ADMINISTRATOR SENIOR STAFF MEETING DISCUSSION LIST - *DRAFT for Monday, Nov. 18*
- - UPCOMING ADMINISTRATOR SIGNATURE/UPCOMING OMB REVIEW MILESTONES (projected out 2 weeks thru 11/29/13)

**\*\* Any changes from yesterday's report have been highlighted in yellow.**

**To:** Kenny, Shannon[Kenny.Shannon@epa.gov]  
**Cc:** Kime, Robin[Kime.Robin@epa.gov]; Schaaff, Lesley[Schaaff.Lesley@epa.gov]; Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Owens, Nicole[Owens.Nicole@epa.gov]; Curry, Bridgid[Curry.Bridgid@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Free, Laura[Free.Laura@epa.gov]; Irving, Verna[Irving.Verna@epa.gov]; Poole, Jacqueline[Poole.Jacqueline@epa.gov]  
**From:** Pritchard, Eileen  
**Sent:** Mon 11/18/2013 8:56:05 PM  
**Subject:** Daily Reports for today, Monday, November 18  
[In OP At OMB for 11-18-13 - PM.docx](#)  
[Upcoming Signature and OMB Review thru 12-2-13.docx](#)  
[Senior Staff Discussion List - Updated 11-18-13.docx](#)

Attached you will find:

- IN OP/AT OMB/OMB UPDATED STATUS REPORT (updated today)
- - ADMINISTRATOR SENIOR STAFF MEETING DISCUSSION LIST - Updated today
- - UPCOMING ADMINISTRATOR SIGNATURE/UPCOMING OMB REVIEW MILESTONES (projected out 2 weeks thru 12/2/13)

\*\* Any changes from yesterday's report have been highlighted in yellow.

Eileen Pritchard

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1200 Pennsylvania Avenue, NW

Room 3521-B ARN

Mailcode 1804

Washington, DC 20460

202-564-6578

**To:** Kenny, Shannon[Kenny.Shannon@epa.gov]  
**Cc:** Kime, Robin[Kime.Robin@epa.gov]; Schaaff, Lesley[Schaaff.Lesley@epa.gov]; Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Curry, Bridgid[Curry.Bridgid@epa.gov]; Owens, Nicole[Owens.Nicole@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Free, Laura[Free.Laura@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Irving, Verna[Irving.Verna@epa.gov]; Poole, Jacqueline[Poole.Jacqueline@epa.gov]  
**From:** Pritchard, Eileen  
**Sent:** Tue 11/19/2013 9:09:33 PM  
**Subject:** Daily Reports for today, Tuesday, November 19  
[Senior Staff Discussion List - Updated 11-19-13.docx](#)  
[Upcoming Signature and OMB Review thru 12-3-13.docx](#)  
[In OP At OMB for 11-19-13 - PM.docx](#)

Attached you will find:

- IN OP/AT OMB/OMB UPDATED STATUS REPORT (updated today)
- – ADMINISTRATOR SENIOR STAFF MEETING DISCUSSION LIST - Updated today
- – UPCOMING ADMINISTRATOR SIGNATURE/UPCOMING OMB REVIEW MILESTONES (projected out 2 weeks thru 12/3/13)

\*\* Any changes from yesterday's report have been highlighted in yellow.

Eileen Pritchard

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Washington, DC 20460

202-564-6578

**To:** Kenny, Shannon[Kenny.Shannon@epa.gov]  
**Cc:** Kime, Robin[Kime.Robin@epa.gov]; Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Schaaff, Lesley[Schaaff.Lesley@epa.gov]; Owens, Nicole[Owens.Nicole@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Curry, Bridgid[Curry.Bridgid@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Free, Laura[Free.Laura@epa.gov]; Irving, Verna[Irving.Verna@epa.gov]; Poole, Jacqueline[Poole.Jacqueline@epa.gov]  
**From:** Pritchard, Eileen  
**Sent:** Wed 11/20/2013 9:31:01 PM  
**Subject:** Daily Reports for today, Wednesday, November 20  
[In OP At OMB for 11-20-13 - PM.docx](#)  
[Senior Staff Discussion List - Updated 11-20-13.docx](#)  
[Upcoming Signature and OMB Review thru 12-4-13.docx](#)

Attached you will find:

- IN OP/AT OMB/OMB UPDATED STATUS REPORT (updated today)
- - ADMINISTRATOR SENIOR STAFF MEETING DISCUSSION LIST - Updated today
- - UPCOMING ADMINISTRATOR SIGNATURE/UPCOMING OMB REVIEW MILESTONES (projected out 2 weeks thru 12/4/13)

\*\* Any changes from yesterday's report have been highlighted in yellow.

Eileen Pritchard

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**To:** Kenny, Shannon[Kenny.Shannon@epa.gov]  
**Cc:** Kime, Robin[Kime.Robin@epa.gov]; Schaaff, Lesley[Schaaff.Lesley@epa.gov]; Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Owens, Nicole[Owens.Nicole@epa.gov]; Curry, Bridgid[Curry.Bridgid@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Free, Laura[Free.Laura@epa.gov]; Irving, Verna[Irving.Verna@epa.gov]; Poole, Jacqueline[Poole.Jacqueline@epa.gov]  
**From:** Pritchard, Eileen  
**Sent:** Thur 11/21/2013 9:44:33 PM  
**Subject:** Daily reports for today, Thursday, November 21  
[In OP At OMB for 11-21-13 PM.docx](#)  
[Upcoming Signature and OMB Review thru 11-21-13.docx](#)  
[Senior Staff Discussion List - Updated 11-21-13.docx](#)

Attached you will find:

- IN OP/AT OMB/OMB UPDATED STATUS REPORT (updated today)
- - ADMINISTRATOR SENIOR STAFF MEETING DISCUSSION LIST - Updated today
- - UPCOMING ADMINISTRATOR SIGNATURE/UPCOMING OMB REVIEW MILESTONES (projected out 2 weeks thru 12/5/13)

**\*\* Any changes from yesterday's report have been highlighted in yellow.**

**To:** Kenny, Shannon[Kenny.Shannon@epa.gov]  
**Cc:** Kime, Robin[Kime.Robin@epa.gov]; Schaaff, Lesley[Schaaff.Lesley@epa.gov]; Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Owens, Nicole[Owens.Nicole@epa.gov]; Curry, Bridgid[Curry.Bridgid@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Free, Laura[Free.Laura@epa.gov]; Poole, Jacqueline[Poole.Jacqueline@epa.gov]; Irving, Verna[Irving.Verna@epa.gov]  
**From:** Pritchard, Eileen  
**Sent:** Fri 11/22/2013 10:57:02 PM  
**Subject:** Daily Reports for Friday, November 22  
[In OP At OMB for 11-22-13 PM.docx](#)  
[Senior Staff List DRAFT for Monday 11-25-13.doc.docx](#)  
[Upcoming Signature and OMB Review thru 12-6-13.docx](#)

Attached you will find:

- IN OP/AT OMB/OMB UPDATED STATUS REPORT (updated today)
- - ADMINISTRATOR SENIOR STAFF MEETING DISCUSSION LIST - Updated today
- - UPCOMING ADMINISTRATOR SIGNATURE/UPCOMING OMB REVIEW MILESTONES (projected out 2 weeks thru 12/6/13)

**\*\* Any changes from yesterday's report have been highlighted in yellow.**

**To:** Kenny, Shannon[Kenny.Shannon@epa.gov]  
**Cc:** Kime, Robin[Kime.Robin@epa.gov]; Schaaff, Lesley[Schaaff.Lesley@epa.gov]; Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Owens, Nicole[Owens.Nicole@epa.gov]; Curry, Bridgid[Curry.Bridgid@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Free, Laura[Free.Laura@epa.gov]; Irving, Verna[Irving.Verna@epa.gov]; Poole, Jacqueline[Poole.Jacqueline@epa.gov]  
**From:** Pritchard, Eileen  
**Sent:** Mon 11/25/2013 9:58:55 PM  
**Subject:** Daily Reports for today, Monday, November 25  
[In OP At OMB for 11-25-13 PM.docx](#)  
[Senior Staff Discussion List - Updated 11-25-13.docx](#)  
[Upcoming Signature and OMB Review thru 12-9-13.docx](#)

Attached you will find:

- IN OP/AT OMB/OMB UPDATED STATUS REPORT (updated today)
- - ADMINISTRATOR SENIOR STAFF MEETING DISCUSSION LIST - Updated today
- - UPCOMING ADMINISTRATOR SIGNATURE/UPCOMING OMB REVIEW MILESTONES (projected out 2 weeks thru 12/9/13)

**\*\* Any changes from yesterday's report have been highlighted in yellow.**

**To:** Kenny, Shannon[Kenny.Shannon@epa.gov]  
**Cc:** Kime, Robin[Kime.Robin@epa.gov]; Schaaff, Lesley[Schaaff.Lesley@epa.gov]; Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Owens, Nicole[Owens.Nicole@epa.gov]; Curry, Bridgid[Curry.Bridgid@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Irving, Verna[Irving.Verna@epa.gov]; Poole, Jacqueline[Poole.Jacqueline@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Free, Laura[Free.Laura@epa.gov]  
**From:** Pritchard, Eileen  
**Sent:** Tue 11/26/2013 8:13:54 PM  
**Subject:** Daily Reports for today, Tuesday, November 26  
[In OP At OMB for 11-26-13 - PM.docx](#)  
[Senior Staff Discussion List - Updated 11-26-13.docx](#)  
[Upcoming Signature and OMB Review thru 12-10-13.docx](#)

Attached you will find:

- IN OP/AT OMB/OMB UPDATED STATUS REPORT (updated today)
- - ADMINISTRATOR SENIOR STAFF MEETING DISCUSSION LIST - Updated today
- - UPCOMING ADMINISTRATOR SIGNATURE/UPCOMING OMB REVIEW MILESTONES (projected out 2 weeks thru 12/10/13)

\*\* Any changes from yesterday's report have been highlighted in yellow.

Eileen Pritchard

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**To:** Kenny, Shannon[Kenny.Shannon@epa.gov]  
**Cc:** Kime, Robin[Kime.Robin@epa.gov]; Schaaff, Lesley[Schaaff.Lesley@epa.gov]; Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Owens, Nicole[Owens.Nicole@epa.gov]; Curry, Bridgid[Curry.Bridgid@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Free, Laura[Free.Laura@epa.gov]; Irving, Verna[Irving.Verna@epa.gov]; Poole, Jacqueline[Poole.Jacqueline@epa.gov]  
**From:** Pritchard, Eileen  
**Sent:** Mon 12/2/2013 9:33:45 PM  
**Subject:** Daily Reports for today, Monday, December 2  
[In OP At OMB for 12-2-13 - PM.docx](#)  
[Upcoming Signature and OMB Review thru 12-16-13.docx](#)  
[Senior Staff Discussion List - Updated 12-2-13.docx](#)

Attached you will find:

- IN OP/AT OMB/OMB UPDATED STATUS REPORT (updated today)
- - ADMINISTRATOR SENIOR STAFF MEETING DISCUSSION LIST- updated today
- - UPCOMING ADMINISTRATOR SIGNATURE/UPCOMING OMB REVIEW MILESTONES (projected out 2 weeks thru 12/16/13)

\*\* Any changes from yesterday's report have been highlighted in yellow.

Eileen Pritchard

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**To:** Kenny, Shannon[Kenny.Shannon@epa.gov]  
**Cc:** Kime, Robin[Kime.Robin@epa.gov]; Schaaff, Lesley[Schaaff.Lesley@epa.gov]; Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Owens, Nicole[Owens.Nicole@epa.gov]; Curry, Bridgid[Curry.Bridgid@epa.gov]; Free, Laura[Free.Laura@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Irving, Verna[Irving.Verna@epa.gov]; Poole, Jacqueline[Poole.Jacqueline@epa.gov]  
**From:** Pritchard, Eileen  
**Sent:** Wed 12/4/2013 11:15:56 PM  
**Subject:** Daily Reports for today, Wednesday, December 4  
[In OP At OMB for 12-4-13 PM.docx](#)  
[Senior Staff Discussion List - Updated 12-4-13.docx](#)  
[Upcoming Signature and OMB Review thru 12-18-13.docx](#)

Attached you will find:

- IN OP/AT OMB/OMB UPDATED STATUS REPORT (updated today)
- - ADMINISTRATOR SENIOR STAFF MEETING DISCUSSION LIST- updated today
- - UPCOMING ADMINISTRATOR SIGNATURE/UPCOMING OMB REVIEW MILESTONES (projected out 2 weeks thru 12/18/13)

**\*\* Any changes from yesterday's report have been highlighted in yellow.**

**To:** Kenny, Shannon[Kenny.Shannon@epa.gov]  
**Cc:** Kime, Robin[Kime.Robin@epa.gov]; Schaaff, Lesley[Schaaff.Lesley@epa.gov]; Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Owens, Nicole[Owens.Nicole@epa.gov]; Curry, Bridgid[Curry.Bridgid@epa.gov]; Free, Laura[Free.Laura@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Irving, Verna[Irving.Verna@epa.gov]; Poole, Jacqueline[Poole.Jacqueline@epa.gov]  
**From:** Pritchard, Eileen  
**Sent:** Thur 12/5/2013 8:16:04 PM  
**Subject:** Dially Reports for today, Thursday, December 5  
[In OP At OMB for 12-5-13 PM.docx](#)  
[Senior Staff Discussion List - Updated 12-5-13.docx](#)  
[Upcoming Signature and OMB Review thru 12-19-13.docx](#)

Attached you will find:

- IN OP/AT OMB/OMB UPDATED STATUS REPORT (updated today)
- - ADMINISTRATOR SENIOR STAFF MEETING DISCUSSION LIST- updated today
- - UPCOMING ADMINISTRATOR SIGNATURE/UPCOMING OMB REVIEW MILESTONES (projected out 2 weeks thru 12/19/13)

**\*\* Any changes from yesterday's report have been highlighted in yellow.**

**To:** Beauvais, Joel[Beauvais.Joel@epa.gov]  
**Cc:** Kime, Robin[Kime.Robin@epa.gov]; Schaaff, Lesley[Schaaff.Lesley@epa.gov]; Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Owens, Nicole[Owens.Nicole@epa.gov]; Curry, Bridgid[Curry.Bridgid@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Free, Laura[Free.Laura@epa.gov]; Irving, Verna[Irving.Verna@epa.gov]; Poole, Jacqueline[Poole.Jacqueline@epa.gov]  
**From:** Pritchard, Eileen  
**Sent:** Fri 12/6/2013 11:00:03 PM  
**Subject:** Daily Reports for today, Friday, December 6  
[In OP At OMB for 12-6-13 PM.docx](#)  
[Senior Staff List DRAFT for Monday 12-9-13.doc.docx](#)  
[Upcoming Signature and OMB Review thru 12-20-13.docx](#)

Attached you will find:

- IN OP/AT OMB/OMB UPDATED STATUS REPORT (updated today)
- - ADMINISTRATOR SENIOR STAFF MEETING DISCUSSION LIST- **DRAFT for MONDAY, 12/9**
- - UPCOMING ADMINISTRATOR SIGNATURE/UPCOMING OMB REVIEW MILESTONES (projected out 2 weeks thru 12/20/13)

**\*\* Any changes from yesterday's report have been highlighted in yellow**

**To:** Maclin, Sylvia[Maclin]; Deputy Administrator Ex. 6 - Personal Privacy  
 Ganesan, Arvin[Ganesan.Arvin@epa.gov]; Goo, Michael[Goo.Michael@epa.gov]; Hanley, Mary[Hanley.Mary@epa.gov]; Geller, Michael[Geller.Michael@epa.gov]; Martin, KarenL[Martin.KarenL@epa.gov]; Ingram, Amir[Ingram.Amir@epa.gov]; Gaber, Noha[Gaber.Noha@epa.gov]; Scozzafava, MichaelE[Scozzafava.MichaelE@epa.gov]; Assistant Administrators[Assistant\_Administrators@epa.gov]; DAA[DAA@epa.gov]; Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Owens, Nicole[Owens.Nicole@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Garcia, Lisa[Garcia.Lisa@epa.gov]; Bittleman, Sarah[Bittleman.Sarah@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Paulson, Glenn[Paulson.Glenn@epa.gov]; Batts, Julia[Batts.Julia@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Metzger, Philip[Metzger.Philip@epa.gov]; KeyesFleming, Gwen[KeyesFleming.Gwendolyn@epa.gov]; Hauchman, Fred[hauchman.fred@epa.gov]; Fegley, Robert[Fegley.Robert@epa.gov]; Schaaff, Lesley[Schaaff.Lesley@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Poole, Jacqueline[Poole.Jacqueline@epa.gov]; Pritchard, Eileen[Pritchard.Eileen@epa.gov]; Wheeler, Kimberly[Wheeler.Kimberly@epa.gov]; Atkinson, Emily[Atkinson.Emily@epa.gov]; Milhouse, Gloria[Milhouse.Gloria@epa.gov]; Huffman, Linda[Huffman.Linda@epa.gov]; Bednar, Georgia[bednar.georgia@epa.gov]; Stewart, Lakita[Stewart.Lakita@epa.gov]; Gentry, Nathan[Gentry.Nathan@epa.gov]; Torres, Nelida[Torres.Nelida@epa.gov]; Penman, Crystal[Penman.Crystal@epa.gov]; McDonald, Carolyn[McDonald.Carolyn@epa.gov]; Barnett-Owens, Inga[Barnett-Owens.Inga@epa.gov]; Peters, Davetta[Peters.Davetta@epa.gov]; Dawson, Shelly[Dawson.Shelly@epa.gov]; Maclin, Sylvia[Maclin.Sylvia@epa.gov]; Willis, Sharnett[Willis.Sharnett@epa.gov]; Woodward, Cheryl[Woodward.Cheryl@epa.gov]; Hofmann, Angela[Hofmann.Angela@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]; Dickerson, Aaron[Dickerson.Aaron@epa.gov]; Wilson, Rita[Wilson.Rita@epa.gov]; Gilinsky, Ellen[Gilinsky.Ellen@epa.gov]; Noga, Vaughn[Noga.Vaughn@EPA.GOV]; Wynn, Renee[Wynn.Renee@epa.gov]; Mallory, Brenda[Mallory.Brenda@epa.gov]; Feldt, Lisa[Feldt.Lisa@epa.gov]; Garbow, Avi[Garbow.Avi@epa.gov]; Chester, Steven[Chester.Steven@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Kavlock, Robert[Kavlock.Robert@epa.gov]; Kadeli, Lek[Kadeli.Lek@epa.gov]; Shaw, Betsy[Shaw.Betsy@epa.gov]; McCabe, Janet[McCabe.Janet@epa.gov]; Shapiro, Mike[Shapiro.Mike@epa.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]; Wise, Louise[Wise.Louise@epa.gov]; Giles-AA, Cynthia[Giles-AA.Cynthia@epa.gov]; Froehlich, Maryann[Froehlich.Maryann@epa.gov]; Corman, Bicky[Corman.Bicky@epa.gov]; Minoli, Kevin[Minoli.Kevin@epa.gov]; Trovato, Ramona[Trovato.Ramona@epa.gov]; Bloom, David[Bloom.David@epa.gov]; Nishida, Jane[Nishida.Jane@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]; Jones, Jim[Jones.Jim@epa.gov]; Gelb, Nanci[Gelb.Nanci@epa.gov]; Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]; Hooks, Craig[Hooks.Craig@epa.gov]; Smith, Kristi[Smith.Kristi@epa.gov]; Pieh, Lusenii[Pieh.Lusenii@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Schoeny, Rita[Schoeny.Rita@epa.gov]; Hostage, Barbara[Hostage.Barbara@epa.gov]; DePass, Michelle[DePass.Michelle@epa.gov]; Henigin, Mary[Henigin.Mary@epa.gov]; Powers, Tom[Powers.Tom@epa.gov]; Eagles, Tom[Eagles.Tom@epa.gov]; Beauvais, Joel[Beauvais.Joel@epa.gov]; Smith, Kelley[Smith.Kelley@epa.gov]; Smith, Walker[Smith.Walker@epa.gov]; Sheehan, Charles[Sheehan.Charles@epa.gov]; Stahl, Michael[Stahl.Michael@EPA.GOV]; Roberts, Martha[Roberts.Martha@epa.gov]; Hall, Tayoka[Hall.Tayoka@epa.gov]  
**Cc:** Dougherty, Joseph-J[Dougherty.Joseph-J@epa.gov]; Rush, Alan[Rush.Alan@epa.gov]; Gray, Doris[Gray.Doris@epa.gov]; Fried, Hannah[Fried.Hannah@epa.gov]; Feldt, Lisa[Feldt]; Ganesan, Arvin[Ganesan]; Goo, Michael[Goo]; Hanley, Mary[Hanley]; Geller, Michael[Geller]; Martin, KarenL[Martin]; Ingram, Amir[Ingram]; Gaber, Noha[Gaber]; Scozzafava, MichaelE[Scozzafava]; Assistant Administrators[Assistant Administrators]; DAA[DAA]; Cristofaro, Alexander[Cristofaro]; Owens, Nicole[Owens]; Schillo, Bruce[Schillo]; Nickerson, William[Nickerson]; Balserak, Paul[Balserak]; Garcia, Lisa[Garcia]; Bittleman, Sarah[Bittleman]; Barron, Alex[Barron]; Paulson, Glenn[Paulson]; Batts, Julia[Batts]; Kime, Robin[Kime]; Metzger, Philip[Metzger]; KeyesFleming,

Gwen[KeyesFleming]; Hauchman, Fred[Hauchman]; Fegley, Robert[Fegley]; Schaaff, Lesley[Schaaff]; Kenny, Shannon[Kenny]; Poole, Jacqueline[Poole]; Pritchard, Eileen[Pritchard]; Wheeler, Kimberly[Wheeler]; Atkinson, Emily[Atkinson]; Milhouse, Gloria[Milhouse]; Huffman, Linda[Huffman]; Bednar, Georgia[Bednar]; Stewart, Lakita[Stewart]; Gentry, Nathan[Gentry]; Torres, Nelida[Torres]; Penman, Crystal[Penman]; McDonald, Carolyn[McDonald]; Barnett-Owens, Inga[Barnett-Owens]; Peters, Davetta[Peters]; Dawson, Shelly[Dawson]; Willis, Sharnett[Willis]; Woodward, Cheryl[Woodward]; Garbow, Avi[Garbow]; Chester, Steven[Chester]; Starfield, Lawrence[Starfield]; Kavlock, Robert[Kavlock]; Kadeli, Lek[Kadeli]; Wynn, Renee[Wynn]; Mallory, Brenda[Mallory]; Shaw, Betsy[Shaw]; McCabe, Janet[McCabe]; Shapiro, Mike[Shapiro]; Stoner, Nancy[Stoner]; Wise, Louise[Wise]; Giles-AA, Cynthia[Giles-AA]; Froehlich, Maryann[Froehlich]; Corman, Bicky[Corman]; Minoli, Kevin[Minoli]; Trovato, Ramona[Trovato]; Bloom, David[Bloom]; Nishida, Jane[Nishida]; Breen, Barry[Breen]; Jones, Jim[Jones]; Gelb, Nanci[Gelb]; Noga, Vaughn[Noga]; Stanislaus, Mathy[Stanislaus]; Hooks, Craig[Hooks]; Hofmann, Angela[Hofmann]; Kopocis, Ken[Kopocis]; Dickerson, Aaron[Dickerson]; Smith, Kristi[Smith]; Pieh, Lusenii[Pieh]; Stewart, Lori[Stewart.Lori@epa.gov]

**From:** Anderson, Denise

**Sent:** Fri 12/6/2013 3:57:17 PM

**Subject:** This meeting will be delayed 10 minutes. Tri-Weekly Regulatory Review Meeting  
Agenda for DA Tri-weekly for 12-18-2013 as of 12-17.docx

Ct: Jacqueline Poole 202-566-2670

Call In Ex. 6 - Personal Privacy

Access Code Ex. 6 - Personal Privacy

**To:** Beauvais, Joel[Beauvais.Joel@epa.gov]  
**Cc:** Schillo, Bruce[Schillo.Bruce@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Owens, Nicole[Owens.Nicole@epa.gov]; Pritchard, Eileen[Pritchard.Eileen@epa.gov]; Curry, Bridgid[Curry.Bridgid@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]  
**From:** Cristofaro, Alexander  
**Sent:** Mon 12/9/2013 10:23:08 PM  
**Subject:** Reg Status Report  
[In OP At OMB for 12-9-13 - PM.docx](#)  
[Senior Staff Discussion List - Updated 12-9-13.docx](#)  
[Upcoming Signature and OMB Review thru 12-23-13.docx](#)

A short-term snapshot if you need it:

# Ex. 5 - Deliberative

**Ex. 5 - Deliberative**

**From:** Pritchard, Eileen

**Sent:** Monday, December 09, 2013 5:12 PM

**To:** Beauvais, Joel

**Cc:** Kime, Robin; Schaaff, Lesley; Cristofaro, Alexander; Nickerson, William; Balserak, Paul; Schillo, Bruce; Owens, Nicole; Curry, Bridgid; Free, Laura; Barron, Alex; Irving, Verna; Poole, Jacqueline

**Subject:** Daily Reports for today, Monday, December 9

Attached you will find:

- IN OP/AT OMB/OMB UPDATED STATUS REPORT (updated today)
- - ADMINISTRATOR SENIOR STAFF MEETING DISCUSSION LIST- updated today
- - UPCOMING ADMINISTRATOR SIGNATURE/UPCOMING OMB REVIEW MILESTONES (projected out 2 weeks thru 12/23/13)

**\*\* Any changes from yesterday's report have been highlighted in yellow**

Eileen Pritchard

USEPA/OP/ORPM/IO

1200 Pennsylvania Avenue, NW

Room 3521-B ARN

Mailcode 1804

Washington, DC 20460

202-564-6578



**To:** Barron, Alex[Barron.Alex@epa.gov]; Cristofaro, Alexander[Cristofaro.Alexander@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Balserak, Paul[Balserak.Paul@epa.gov]; Owens, Nicole[Owens.Nicole@epa.gov]; McGartland, Al[McGartland.Al@epa.gov]  
**From:** Beauvais, Joel  
**Sent:** Wed 2/5/2014 3:21:11 PM  
**Subject:** FW: OSWER Reg Priorities document is attached.  
[OSWER reg priorities 2-3-2014.docx](#)

-----Original Message-----

From: Stanislaus, Mathy  
Sent: Wednesday, February 05, 2014 9:20 AM  
To: Beauvais, Joel  
Subject: OSWER Reg Priorities document is attached.

**To:** Goo, Michael[Goo.Michael@epa.gov]  
**From:** POLITICO Pro Whiteboard  
**Sent:** Wed 2/26/2014 11:33:33 PM  
**Subject:** EPA details 2015 timing for ozone rule in court filing

2/26/14 6:28 PM EST

EPA plans to propose a new ozone air quality standard by Jan. 15, 2015, and finish the rule by Nov. 15, 2015, the agency told the U.S. District Court for Northern California in a recent filing.

The Sierra Club had sued EPA for delayed review of the ozone standard. It asked the court to set a schedule for the agency requiring a proposal by Dec. 1, 2014, and a final rule by Oct. 1, 2015.

That's not enough time, EPA told the court Tuesday.

"There is an abundance of new scientific evidence and other information informing this review: more than 1,000 new health studies, and hundreds of new welfare studies," the agency's acting air chief Janet McCabe said in a signed statement filed with the [brief](#). EPA should be able to issue a proposed standard by January, but there are factors — such as review by the agency's external science advisors — that are out of its control, McCabe cautioned.

EPA provided several other planning details in the brief: The agency plans to allow a 90-day public comment period on the proposal, and its "secondary" standard — focused on the environment — is likely to be fundamentally different from the "primary" standard aimed at protecting human health.

EPA admits in the brief that the statutory deadline to review the standard — every five years — passed on March 12, 2013, but said an "abundance of new scientific evidence" and "the complexity of the issues raised in the assessment of new science," along with other issues, have held up the review.

— *Erica Martinson*

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